

**CHAPTER 90: ANIMAL CONTROL**

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Section

- 90.01 Definitions
- 90.02 Administrator for animal control program
- 90.03 Responsibility of Administrator
- 90.04 Bite reporting and investigation
- 90.05 Confinement of biting animals
- 90.06 Dangerous and vicious dogs
- 90.07 Liability of owner of dog, cat or other animal attacking or injuring person or animal
- 90.08 Inoculation against rabies
- 90.09 Vaccination certificate
- 90.10 Registration
- 90.11 Evidence of inoculation against rabies
- 90.12 Authority to ascertain inoculation against rabies and registration
- 90.13 Biting animal; not inoculated against rabies
- 90.14 Dogs running at large prohibited
- 90.15 Impounded dogs, cats and animals; notice to owner; unredeemed dogs, cats and other animals
- 90.16 Impounded dogs, cats and other animals redemption fees
- 90.17 Disposal of unwanted animals
- 90.18 Barking or howling dog
- 90.19 Enforcement; exemption from liability
- 90.20 Cooperation in enforcement
- 90.21 Contracts with municipalities and agreements with veterinarians
- 90.22 Right of entry for inspections; apprehension of dog or other animals; refusal of owner to deliver dog or other animal
- 90.23 Cruelty to animals
- 90.24 Limits on number of dogs and cats per parcel size in residential areas and multiple pet permits
- 90.25 Police dogs
- 90.26 Education on animal control and rabies
- 90.27 Fees for services pursuant to intergovernmental agreements
  
- 90.99 Penalty

## § 90.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADMINISTRATOR.** A veterinarian licensed by the state, assigned to the animal control program for the county.

**ANIMAL.** Any animal, other than human, which may be affected by rabies.

**ANIMAL CONTROL WARDEN.** An employee of the county appointed by the Administrator and approved by the County Board to exercise police powers in the enforcement of this chapter.

**BOARD.** The County Board of Will County, Illinois.

**CAT.** Includes all members of the feline family.

**CONFINED.** Restriction of an animal at all times by the owner, his or her agent, to an escape-proof building or other enclosure away from other animals and the public.

**CONTROL.** Any owned animal that is either secured by a leash or lead not more than five feet in length, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle.

**DANGEROUS DOG.** Any individual dog which when either unmuzzled, unleashed or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public ground or places, or on private property other than the owner.

**DEPUTY ADMINISTRATOR.** The licensed veterinarian appointed by the Administrator and approved by the County Board, who is authorized to act on behalf of the Administrator if the Administrator is unavailable.

**DIFFERENTIAL.** The licensed veterinarian appointed by the Administrator and approved by the County Board, who is authorized to act on behalf of the Administrator if the Administrator is unavailable.

**DOG.** Includes all members of the canine family.

**ESCAPE-PROOF BUILDING OR OTHER ENCLOSURE.** A building or other enclosure of strength and structure to keep the confined animal away from other animals and the public.

**FUR-BEARING MAMMALS AND WILD ANIMALS.** Includes, but are not limited to the following specific species: arctic fox, badger, bat, beaver, bobcat, coyote, gray fox, hedgehog, mink, muskrat, opossum, prairie dog, rabbit, raccoon, red fox, river otter, striped skunks, weasel, woodchuck wolf or any animal of this type, and any wildlife cross or the offspring of a mating between a wolf or coyote and a dog.

**GUARD DOG.** A dog used in a commercial business or by a police department for the purpose of patrol and protection security.

**GUIDE DOG.** A dog trained by a recognized organization to lead the legally blind, the hearing impaired or support dogs for the physically handicapped person.

**HAS BEEN BITTEN.** Has been seized with the teeth or jaws, so that the person or animal seized has been nipped or gripped, or has been wounded or pierced and further includes contact of saliva with any break or abrasion of skin or mucous membrane.

**HOME CONFINEMENT.** The animal must be kept within the house where the owner, caretaker or harbinger is residing. If outside, the animal must remain on the property of its owner and kept on a five-foot leash or monitored within a secure enclosure.

**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. The method shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in a manner as to avoid undue apprehension by the animal.

**IMPOUNDED.** Taken into the custody of the Animal Control Department and placed in an animal shelter or veterinary hospital/clinic in the county where the animal is found under the control of the Animal Control Department.

**INOCULATION AGAINST RABIES.** The injection of a rabies vaccine approved by the State Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

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

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

**LICENSED VETERINARIAN.** A veterinarian licensed by the state in which he or she engages in the practice of veterinary medicine.

**LOW-INCOME.** Those persons eligible for the Food Stamp Program.

**MULTIPLE ANIMAL OWNER.** Any owner, keeper or harbinger who has five or more dogs or cats of licensing age.

**OWNER.** Any person having a right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits the animal to remain on or about any premises occupied by him or her.

**PARCEL.** Any legally recorded piece of land.

**PATIENT.** Any person who has been bitten by an animal.

**PERSON.** Any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, municipal corporation or political subdivision, or any other business unit.

**POUND.** Any facility approved by the Administrator for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

**PUBLIC OR PRIVATE NUISANCE.** Any animal or animals which molests or attacks a person or a passing vehicle, attacks other animals, is found to be a dangerous animal, is found to be running at large, damages private or public property or barks, whines or howls in an excessive, continuous or untimely manner.

**REGISTRATION CERTIFICATE.** A printed form prescribed by Animal Control for the purpose of recording pertinent information as required under this chapter.

**RUN LINE.** A system of tying dog with a collar and clasp of adequate strength in a place with either a rope or chain having a tensile strength of at least 300 pounds and so located that the dog is on the owners' private property and it is at least three feet from any public ways.

**RUNNING AT LARGE.** Those animals which are not under control as defined in this chapter.

**SEIZE.** The County Animal Control Department or any officer of the law is authorized to enter upon public or private property; for the purpose of impounding any dog, cat or other animal which has been found to be in violation of this chapter.

**STRAYING.** A dog or other animal not on the premises of the owner or not confined or under control as set forth in this chapter.

**VICIOUS DOG.**

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;

(2) Any individual dog with a known propensity, tendency or disposition to attack, without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

(3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment;

(4) Any individual dog which attacks a human being or domestic animal without provocation;

(5) Any individual dog which has been found to be a dangerous dog upon three separate occasions; and

(6) No dog shall be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

(1980 Code, § 90.01) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.02 ADMINISTRATOR FOR ANIMAL CONTROL PROGRAM.**

The County Executive with the advice and consent of the County Board shall appoint a veterinarian licensed by the state as the Administrator of the animal control program. The appointments shall be made as necessary to keep this position filled at all times. The appointment shall be for a period of five years.

(1980 Code, § 90.02) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.03 RESPONSIBILITY OF ADMINISTRATOR.**

(A) The Administrator shall enforce and abide by all sections of the State Animal Control Act and this chapter, including the rules and regulations relating to the Act and this chapter.

(B) It shall be the duty of the Administrator, through education, rabies inoculation, stray control, impoundment quarantine and any other means deemed necessary, to control and prevent the spread of rabies in the county.

(C) The Administrator, Deputy Administrators and animal control wardens shall have the power of police officers for the limited purposes of issuing and serving citations and order for violation of this chapter and the ILCS Ch. 510, Act 5, §§ 1 et seq. Animal control wardens may use tranquilizer guns and equipment.

(1980 Code, § 90.03) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.04 BITE REPORTING AND INVESTIGATION.**

(A) It is unlawful for a person having knowledge that a person has been bitten by an animal to refuse or fail to notify the county animal control immediately. For the purposes of this section, the word *IMMEDIATELY* means by telephone, fax, e-mail, in person or by other than use of the mail.

(B) Upon receiving a bite report, the county animal control shall record all pertinent information on a standardized form. Records should show that after a bite report is received, it has been investigated and, if possible, the biting animal confined and the attending physician notified of the animal's health. Investigation may include contact with the person bitten, or for a minor, with their parent or guardian, attending physician, veterinarian and any other appropriate source to coordinate information, make referral of patient and recommended treatment.

(C) The county animal control will, upon request, take appropriate measures to assist municipalities in the apprehension of biters.

(1980 Code, § 90.04) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.05 CONFINEMENT OF BITING ANIMALS.**

(A) (1) It shall be unlawful for the owner of any dog, cat or other animals, when notified by the county animal control that the dog, cat or other animal has bitten any person, or other animal, to sell or give away, conceal or otherwise dispose of the dog, cat or other animal or to permit or allow the dog, cat or other animal to be taken beyond the limits of the county.

(2) It shall be the duty of the owner of a biting animal, upon receiving notice from the county animal control, to deliver the dog, cat or other animal within 24 hours to a licensed veterinarian for confinement and observation, at the expense of the owner, for a period of ten days.

(3) The veterinarian confining and observing the biting dog, cat or other animal shall report immediately by telephone, fax, in person or by other than use of the mail, and shall inform in writing to the county animal control within 24 hours after the dog, cat or other animal is presented for confinement and observation, the clinical condition of the dog, cat or other animal, the owner's name, address and the date of confinement, the breed, description, age and sex of the dog, cat or other animal on forms provided by the county animal control. Within 24 hours after the end of confinement and observation period, the licensed veterinarian shall submit a written report to the county animal control advising it of the final disposition (free from signs or evidence of rabies) of the dog, cat or other animal on forms provided by the county animal control.

(B) The Administrator or his or her authorized representative may reduce the confinement period of an animal, which has bitten a person, to less than ten days when:

- (1) It is deemed advisable for humane reasons, i.e. injury, disease conditions;
- (2) The animal inflicting the bite has been maintained in a controlled environment in a research institution for a period of at least six months, or for the life of the animal;
- (3) A physician indicates in writing that post-exposure anti-rabies treatments may endanger the life of the person bitten;
- (4) Written permission is obtained from the owner of the biting animal;
- (5) The animal is deemed to be a stray by the Administrator; or
- (6) The animal shall be humanely dispatched at the end of the reduced confinement period and the brain submitted directly to a recognized laboratory for rabies examination. It shall be the responsibility of the person requesting the reduced confinement period to assure that the brain is transported, without delay, to a recognized laboratory so it will arrive in a satisfactory condition for rabies examination.

(C) (1) If, however, the dog, cat or other animal is examined by a licensed veterinarian within 24 hours after notification of an owner by county animal control and found to be free of signs of rabies and the Administrator is presented evidence that the dog, cat or other animal has been inoculated against rabies more than 30 days prior to the biting and less than one year if a one-year immunity vaccine is used, or less than three years if a three-year immunity vaccine is used, the dog, cat or other animal may be confined in the house of its owner or in a manner that will prohibit the dog, cat or other animal from escaping and from biting any person or animal for the ten-day period, if the Administrator or Deputy Administrator veterinarian adjudges each confinement satisfactory. At the end of the ten-day period, the owner shall present the dog, cat or other animal for re-examination by the licensed veterinarian. If the dog, cat or other animal is confined as described in this division, the licensed veterinarian shall report to the County Animal Control Department the clinical condition of the dog, cat or other animal immediately, by telephone, fax, in person or by other than the use of the mail, as described in division (A) above, with subsequent written reports within 24 hours of the beginning of confinement.

(2) If the owner fails to present the dog, cat or other animal for re-examination by the licensed veterinarian within 24 hours of the completion of the ten-day confinement period, the licensed veterinarian shall notify the county animal control of this fact immediately, by telephone, fax, in person or by other than use of the mail.

(3) Should the animal become ill, die or escape during the ten-day period, the owner shall immediately notify the county animal control.

(D) If the dog, cat or other animal escapes from the house of its owner, or from another place of confinement provided by its owner, during the ten-day confinement period or if the owner fails to deliver the dog, cat or other animal to a licensed veterinarian for re-examination within 24 hours of the completion of the ten-day confinement period, the owner is hereby declared to be in violation of this section of this chapter. In addition, the owner of an escaped dog, cat or other animal shall immediately apprehend it and deliver it to a licensed veterinarian for confinement at the owner's expense, for the remainder of the ten-day period.

(E) For the purpose of carrying out the provisions of this section, the Administrator, his or her authorized representative, or any officer of the law is authorized to enter upon private premises to apprehend or seize a biting animal. If after request therefore, the owner of the animal shall refuse to deliver the biting animal to a licensed veterinarian for rabies observation, the owner shall be in violation of this section.

(F) The owner of a dog, cat or ferret four months or older, not currently inoculated against rabies, as provided elsewhere in this chapter, must have the dog, cat or ferret inoculated against rabies at the time of release from confinement.

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

(H) All costs of examination, confinement observation, notification and inoculation shall be borne by the owner of the dog, cat or other animal.

(1980 Code, § 90.05) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.06 DANGEROUS AND VICIOUS DOGS.**

(A) *Dangerous dogs.*

(1) For the purposes of this section, **DANGEROUS DOGS** is as defined in § 90.01.

(2) **FOUND TO BE A DANGEROUS DOG** means:

(a) The Administrator, an animal control warden or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a dangerous dog as defined § 90.01 and based on that finding, the Administrator, an animal control warden or law enforcement office has declared in writing that the dog is a dangerous dog; or

(b) The Court has found the dog to be a dangerous dog as defined in § 90.01 and has entered an order based on that finding.

(3) The Administrator, an animal control warden, the State's Attorney or any citizen of the county in which a dangerous dog exists may file a complaint in the name of the people of the state to enjoin all persons from maintaining or permitting same to leave his or her premises when not under control by leash or other recognized control methods.

(4) 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.

(5) 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 an amount as the court may determine enjoining the defendant from maintaining the nuisance.

(6) If the existence of the nuisance is established, the owner of the dog or other animal shall be in violation of this chapter, and in addition, the court shall enter an order restraining the owner from maintaining the nuisance and may order that the dog or other animal be humanely dispatched.

(B) *Vicious dogs.*

(1) For purposes of this section, **VICIOUS DOG** is defined in § 90.01.

(2) **FOUND TO BE VICIOUS DOG** means:

(a) The Administrator, an animal control warden or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in § 90.01 and based on the finding, the Administrator, animal control warden or a law enforcement officer has declared in writing that the dog is a vicious dog; or

(b) The Circuit Court has found the animal to be a vicious dog as defined in § 90.01 and has entered an order based on that finding.

(3) No dog shall be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained animal for law enforcement.

(4) If a dog is found to be vicious dog, the animal shall be subject to enclosure.

(5) **ENCLOSURE** means a fence or structure of at least six 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. The enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the dog from escaping from the enclosure.

(6) 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 at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(a) If it is necessary for the owner or keeper to obtain veterinary care for the dog; or

(b) To comply with the order of the Circuit Court, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and that the dog shall be under the direct control and supervision of the owner or keeper of the dog.

(7) 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 the area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(8) A notice of impoundment shall include the following:

(a) The owner's name, address and telephone number;

- (b) The name, address and telephone number of any witnesses;
- (c) An animal report number;
- (d) A statement of violation;
- (e) An accurate description of the animal or animals involved;
- (f) Date/time violation occurred;
- (g) Date on which the animal or animals were impounded;
- (h) Signature of the county animal control representative; and
- (i) Disposition date. A dog or dogs impounded may be turned over to a licensed veterinarian for destruction by lethal injection.

(9) The dog may be humanely destroyed, if:

(a) The owner of the dog has not appealed the impoundment order to the Circuit Court in the county in which the dog was impounded within seven working days; and

(b) The owner of the dog has not notified the county animal control warden Department in writing of the appeal or impoundment within the aforementioned seven working day time period.

(10) A dog found to be a vicious animal shall not be released to the owner until the Administrator or animal control warden approves the enclosure as defined in this section.

(11) No owner or keeper of a vicious dog shall sell or give away the dog.

(12) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, 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 dog shall be currently inoculated against rabies in accordance with § 90.08. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes or address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where the dog will be stationed. The Administrator shall provide Police and Fire Departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(13) (a) The Administrator, the County 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 to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of the dog or other animal from permitting same to leave his or her premises when not under control by leash or other recognized control method.

(b) Upon the filing of a complaint in the Circuit Court of the Twelfth Judicial Circuit, the Court, if satisfied that the nuisance may exist, shall grant a preliminary injunction with bond in an amount as the court may determine enjoining the defendant from maintaining the nuisance.

(c) If the existence of the nuisance is established, the owner of the dog or other animal shall be in violation of this chapter, and in addition, the court shall enter an order restraining the owner from maintaining the nuisance and may order that the dog or other animal be humanely dispatched.

(1980 Code, § 90.06) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.07 LIABILITY OF OWNER OF DOG, CAT OR OTHER ANIMAL ATTACKING OR INJURING PERSON OR ANIMAL.**

If a dog or other animal, without provocation, attacks or injures any person or animal who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of a dog or other animal is liable for damages, to the person, for the full amount of the injury sustained.

(1980 Code, § 90.07) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.08 INOCULATION AGAINST RABIES.**

Every owner of a dog, cat or ferret four months of age or older, shall each year cause the dog, cat or ferret to be inoculated against rabies by a licensed veterinarian. However, if the vaccine used is one recognized by the State Department of Agriculture, for a three-year period of immunity and is properly administered, the interval between inoculations may be extended to three years. At the time as new rabies vaccines are recognized or revisions in recommendations are made by the State Department of Agriculture, the Administrator may issue a directive authorizing their implementation.

(1980 Code, § 90.08) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.09 VACCINATION CERTIFICATE.**

Any license veterinarian who inoculates a county resident's dog(s), cat(s) or ferret(s) against rabies in the county shall enter the evidence in a legible manner on a standardized certificate approved by the County Board and signed by the veterinarians. Veterinarians who inoculate a dog, cat or ferret for rabies shall procure from the County Animal Control Department numbered tags, one to be issued with each inoculation certificate. Only one dog, cat or ferret shall be included on each certificate. All registration certificates and tag fees shall be submitted to the Animal Control Department twice a month.

(1980 Code, § 90.09) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.10 REGISTRATION.**

(A) Every owner of a dog, cat or ferret four months of age or older, residing in the county, shall register the dog, cat or ferret at a place designated by the county animal control. The owner must present an approved, properly completed vaccination certificate and pay a fee set by the County Board. The county animal control will furnish the owner with a completed one year or three year registration certificate and an official one year or three year county rabies tag. The period of registration shall be concurrent with the period of vaccination.

(B) A rabies tag and registration certificate issued by another county in the state will be honored until expiration if the owner has recently established residence in the county. New residents from outside the state owning or keeping a dog, cat or ferret four months of age or older, shall register the dog, cat or ferret at the county animal control facility, within 30 days after establishing residence in the county.

(C) (1) Registration of dogs, cats or ferrets must be processed upon receipt of a rabies vaccination from a veterinarian practicing in the county or servicing a dog, cat or ferret that resides in the county. Veterinarians/animal hospitals must provide rabies registration service to all pet owners upon receipt of a rabies vaccination as specified in this chapter. Veterinarians who inoculate a cat, dog or ferret shall procure from the County Department of Animal Control serially numbered tags, one to be issued with each inoculation certificate.

(2) If the owner of a dog, cat or ferret declines to purchase the rabies/registration tag from the veterinarian administering the rabies vaccine, the rabies certificate will be mailed immediately to the County Department of Animal Control noting that the pet owner declined to purchase the rabies/registration tag. A letter will be mailed to the pet owner with instructions to secure a rabies/registration tag within 21 days of the letter. If not done, the pet owner may be issued citations for failure to comply.

(3) Only one cat, dog or ferret shall be included on each certificate. The tags shall be attached to the collar or harness worn by the cat, dog or ferret.

(a) The fee for the tag shall be as follows:

1. One year immunity: \$8 for spayed, neutered or sterilized animals.
2. Three year immunity: \$20 for spayed, neutered or sterilized animals; \$50 for intact animals.

(b) The fees shall be paid to the Department and transferred to the County Treasurer as received. The County Treasurer shall deposit \$10 of the differential into a special fund to be identified as the Animal Population Control Fund. All costs of inoculation against rabies shall be borne by the owner of the dog, cat or ferret.

(D) All registration fees collected shall be remitted to the County Treasurer, who shall place the moneys in an Animal Control Fund. This fund shall be set up by him or her for the purpose of paying costs of the animal control program. All fees collected shall be

used for the purpose of paying claims for loss of livestock or poultry as set forth in § 90.19 and for the following purposes as established by ordinance of the County Board: funds may be utilized by local health departments or county nurse's offices for the purchase of human rabies anti-serum or vaccine, minor medical care and for paying the costs of stray dog control impoundment, education on animal control and rabies and other costs incurred in carrying out the provisions of this chapter.

(1980 Code, § 90.10) (Res. 99-61, adopted 2-18-1999; Res. 02-541, adopted 11-21-2002; Res. 04-508, adopted 11-18-2004; Res. 06-22, adopted 1-19-2006; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

### **§ 90.11 EVIDENCE OF INOCULATION AGAINST RABIES.**

Every owner of a dog, cat or ferret four months of age or older shall provide the dog, cat or ferret with a collar or harness and attach thereto the official county rabies tag which shall be worn by the dog, cat or ferret at all times.

(1980 Code, § 90.11) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

### **§ 90.12 AUTHORITY TO ASCERTAIN INOCULATION AGAINST RABIES AND REGISTRATION.**

The county animal control is hereby authorized to ascertain by observation and by inquiry of the animal owner if the dog, cat or ferret is inoculated against rabies and is registered.

(1980 Code, § 90.12) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

### **§ 90.13 BITING ANIMAL; NOT INOCULATED AGAINST RABIES.**

(A) If any owner of a dog, cat or ferret four months of age or older, that has bitten any person or other animal, cannot furnish evidence that the dog, cat or ferret is currently inoculated against rabies, this shall constitute prima facie evidence that the owner is in violation of §§ 90.08 and 90.10 and subject to the penalties provided herein.

(B) The efficacy of rabies vaccine for fur bearing mammals and wild animals is not established; therefore, there is no observation period. When a fur bearing mammal or wild animal is involved in a bite, they should be humanely dispatched and their brain shall be submitted to a recognized laboratory for rabies examination, if applicable, by the Administrator or his or her agents.

(1980 Code, § 90.13) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

### **§ 90.14 DOGS RUNNING AT LARGE PROHIBITED.**

(A) No owner of a dog shall cause or permit the dog to run at large at any time during the year in any unincorporated area of the county which has been subdivided for residential purposes. All dogs kept within any unincorporated area of the county which has been subdivided for residential purposes shall be controlled, as defined within this chapter, in a manner as to prevent the dog from running at large.

(B) Any dog found running at large in violation hereof is hereby declared to be a public nuisance as defined by this chapter and shall be apprehended and impounded in the manner provided in this chapter. However, if the dog cannot be safely apprehended and impounded, the dog, may be destroyed by the County Animal Control Department; provided, further, that in all cases where the dog has bitten or caused an abrasion of the skin of a person, is so slain and period of less than ten days has elapsed since the day upon which the dog, cat or other animal bit or caused abrasion of the skin of any person, it shall be the duty of the person destroying the dog to deliver the head and brain of the dog to the County Animal Control Department after the destruction.

(1980 Code, § 90.14) (Res. 99-61, adopted 2-18-1999; Res. 01-339, adopted 8-16-2001; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

### **§ 90.15 IMPOUNDED DOGS CATS AND ANIMALS; NOTICE TO OWNER; UNREDEEMED DOGS, CATS AND OTHER ANIMALS.**

(A) The County Animal Control Department, or its authorized agents, shall immediately upon receiving any dog, cat or other animal, make a complete registry thereof, entering the breed, color and sex of the animal, whether registered or not, and, if bearing a tag, the number thereof. The owner, if known, of each dog, cat or other animal impounded, shall be sent a notice by the Animal Control Department, at his or her last known address. Any dog, cat or other animal impounded under the provisions of this chapter and not redeemed from impound by Animal Control within seven days of notice may be disposed of at the discretion of the Administrator. A reasonable attempt will be made to locate the owner of each dog or cat or other animal received.

(B) In case the owner of any impounded dog desires to make redemption thereof, he or she may do so on the following conditions:

- (1) Presenting proof of current rabies inoculation and registration, if applicable;
- (2) Pay for the rabies inoculation of the dog and registration, if applicable;
- (3) Pay the pound for the board of the dog and registration, if applicable; and

(4) Pay into the Animal Control Fund an additional impoundment fee as proscribed by this chapter as a penalty for the first offense and for each subsequent offense. This shall be in addition to any other penalties invoked under this chapter.

(C) If an impounded dog, cat or other animal has bitten a person, the impoundment period shall be ten days unless a reduced period is authorized by the Administrator as provided by this chapter.

(D) Animals suffering because of severe physical disability may be disposed of at the discretion of the Administrator in a humane manner.

(1980 Code, § 90.15) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

#### **§ 90.16 IMPOUNDED DOGS, CATS AND OTHER ANIMALS REDEMPTION FEES.**

(A) For every dog, cat or other animal taken up and impounded, as provided by this chapter, there shall be paid to the county animal control, by any owner or keeper of a dog, cat or other animal, the fees set by the County Board. In addition, the owner or keeper of a dog, cat or ferret four months of age or older, not currently inoculated against rabies and registered as provided elsewhere in this chapter, must have the dog, cat or ferret inoculated against rabies and registered at the time of release from impoundment.

(B) The fees in the preceding division shall be in addition to any other penalties invoked under this chapter.

(1980 Code, § 90.16) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

#### **§ 90.17 DISPOSAL OF UNWANTED ANIMALS.**

Any owner of one or more animals may relinquish them to the County Animal Control Department for humane dispatch or other disposal at the discretion of the Administrator. A fee may be established for disposal by the County Board.

(1980 Code, § 90.17) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

#### **§ 90.18 BARKING OR HOWLING DOG.**

No owner shall allow a dog to bark, howl or whine in an excessive continuous or untimely manner. The violation shall constitute a public nuisance. Licensed kennel operators, pounds, animal shelters, pet shop operators and dog dealers as defined in the State Animal Welfare Act are exempt from this section.

(1980 Code, § 90.18) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

#### **§ 90.19 ENFORCEMENT; EXEMPTION FROM LIABILITY.**

The County Animal Control Department, its agents, or other persons authorized to enforce the provisions of this chapter shall not be held liable for the injury, death or disease which may occur to any dog, cat or other animal as a consequence of the enforcement of the provisions of this chapter.

(1980 Code, § 90.19) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.20 COOPERATION IN ENFORCEMENT.**

The Sheriff and his or her deputies, municipal wardens or the local law enforcement agency shall cooperate with the County Animal Control Department in carrying out the provisions of this chapter.

(1980 Code, § 90.20) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.21 CONTRACTS WITH MUNICIPALITIES AND AGREEMENTS WITH VETERINARIANS.**

(A) The County Animal Control Department with the approval of the County Board may enter into contracts with municipalities or veterinarians to effectuate this chapter. These contracts shall define the Animal Control Department's role within the municipality and assign a fee to the municipality for the services provided by the County Animal Control Department.

(B) The County Animal Control Department with the approval of the County Board may also enter into agreements with veterinarians to effectuate this chapter.

(1980 Code, § 90.21) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.22 RIGHT OF ENTRY FOR INSPECTIONS; APPREHENSION OF DOG OR OTHER ANIMALS; REFUSAL OF OWNER TO DELIVER DOG OR OTHER ANIMAL.**

For the purpose of carrying out the provisions of this chapter and making inspections hereunder, the Administrator, or his or 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 therefor, the owner of the 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.

(1980 Code, § 90.22) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.23 CRUELTY TO ANIMALS.**

(A) Each owner shall provide for each of his or her animals:

- (1) Sufficient quantity of good quality, wholesome food and water;
- (2) Adequate shelter and protection from the weather;
- (3) Veterinary care when needed to prevent suffering; and
- (4) Humane care and treatment.

(B) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

(C) No owner may abandon any animal where it may become public charge or may suffer injury, hunger or exposure.

(D) Upon receiving a complaint of suspected violation of this section, any law enforcement official, including the Administrator, Deputy Administrator or animal control warden, may, for the purpose of investigating the allegations of the complaint, enter during normal business hours, upon any premises where the animal or animals described in the complaint are housed or kept, provided entry shall not be made into any building which is a person's residence, except by search warrant or court order. Institutions operating under federal license to conduct laboratory experimentation, utilizing animals for research or medical purposes are, however, exempt from the provision of this section. State's Attorneys and law enforcement officials shall provide assistance as may be required in the conduct of investigations.

(E) If an investigation under this section discloses that a violation of this chapter has been committed, the County Animal Control Department shall furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this section, and that a maximum of 48 hours may be granted in which to take corrective action. If the violator fails or refuses to

take corrective action necessary for compliance, or if the violator is still unknown after an attempt to identify ownership, the County Animal Control Department shall contact the State Department of Agriculture and request authorization to impound the animal or animals. The Department of Agriculture will authorize impoundment if a review of the facts gathered by the Animal Control Department indicates a violation of this section has occurred and the violator if known has failed or refused to take corrective action. The notice of impoundment shall include the following:

- (1) An animal report number;
- (2) Listing of deficiencies noted;
- (3) An accurate description of the animal or animals involved;
- (4) Date on which the animal or animals were impounded;
- (5) Signature of the county animal control representative; and

(6) A statement that the violator may request a hearing to appeal the impoundment. A person desiring a hearing shall contact the County Animal Control Department within seven days from the date of impoundment and the County Animal Control Department will hold an administrative hearing within seven days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the seven-day impoundment period, the County Animal Control Department cannot sell, offer for adoption or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have been expired.

(F) Any expense incurred in impoundment becomes a lien on the animal and must be discharged before the animal is released from the facility.

(G) Any person convicted of violating division (A) or (C) above is guilty of a Class C misdemeanor. A second conviction for violation of division (B) or (C) above is a Class B misdemeanor. A third or subsequent conviction for a violation of § 90.99(B) or (C) is a Class A misdemeanor.

(H) No owner or person shall confine any animal in a motor vehicle in a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from heat or cold. In order to protect the health and safety of the animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

(1980 Code, § 90.23) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.24 LIMITS ON NUMBER OF DOGS AND CATS PER PARCEL SIZE IN RESIDENTIAL AREAS AND MULTIPLE PET PERMITS.**

(A) It shall be unlawful for any person or owner, to own, keep or harbor at any time more than five dogs or cats, of licensing age, in the residential zoning districts, A-2, E-1, E-2, R-1, R-2, R-3, R-4, R-5 and RS-6 as specified in the County Zoning Ordinance.

(B) Applications by individuals for multiple animal permits shall be made to the County Animal Control Department on forms prescribed by the County Animal Control Department and shall be accompanied by the required annual fees.

(C) Each permit shall be issued for the term of one fiscal year or for the part thereof as remains at the time of the issuance of the permit. Each permit shall be renewed during the month of December each year. Each permit shall be signed by the Administrator or his or her designated representative and shall be issued under the seal of the County Animal Control Department.

(D) The County Animal Control Department may refuse to issue or renew or may suspend or revoke a multiple animal permit on any one or more of the following grounds:

- (1) Material misstatement in the application for original permit or in the application for any renewal permit under this chapter;
- (2) Willful disregard or prior history of violation of this chapter;
- (3) Willfully aiding or abetting another in the violation of this chapter;
- (4) Allowing one's permit under this chapter to be used by another person; and
- (5) Failure to allow an animal control warden to annually inspect the premises for sanitary conditions, proper ventilation, adequate

nutrition, humane care and treatment including required rabies vaccinations and registrations for all dogs and or cats in the wardens' jurisdiction.

(E) Licensed kennel operators, pounds, animal shelters, pet shop operators and dog dealers with the proper zoning requirements, are exempt from this section, except that all persons selling dogs or keeping registries of dogs shall cooperate and provide information as required by ordinance, including sales, numbers of litter and ownership of dogs.

(F) Failure to comply with this section within 15 calendar days of receiving notice of violation of this section from an animal warden shall result in the issuance of a ticket for violation of this section. The court upon hearing evidence of the violation shall order removal by the animal warden of all animals in excess of that which it allows.

(1980 Code, § 90.24) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.25 POLICE DOGS.**

(A) *Bites.* When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**IMMEDIATELY.** By telephone, in person or by other than use of the mail.

**LAW ENFORCEMENT AGENCY.** An agency of the state or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

**PEACE OFFICER.** The meaning ascribed to it in § 2-13 of the Criminal Code of 1961, being ILCS Ch. 720, Act 5, § 2-13.

**POLICE DOG.** A dog trained to assist peace officers in their law enforcement duties.

(C) *Teasing, striking or tampering with police animals prohibited.* It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike or administer or subject any desensitizing drugs, chemicals or substance to any animal used by a law enforcement officer in the performance of his or her functions or duties, or when placed in confinement off duty; or to interfere or meddle with any animal used by as law enforcement department or agency or any handler thereof in the performance of the functions or duties of the department or agency.

(D) *Injury or killing police animals prohibited.* It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any animal used by law enforcement department or agency in the performance of the functions or duties of the Department or when placed in confinement off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the animal undue suffering and pain.

(E) *Violation of division (C).* Any person convicted of violating division (C) of this section is guilty of a Class B misdemeanor.

(F) *Violation of division (D).* Any person convicted of violating division (D) of this section is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled the person shall be guilty of a Class 4 felony.

(1980 Code, § 90.25) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006) Penalty, see § 90.99

## **§ 90.26 EDUCATION ON ANIMAL CONTROL AND RABIES.**

The County Animal Control Department shall provide education on animal and rabies control involving youth education, education of the general public and education of public officials.

(1980 Code, § 90.26) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006)

## **§ 90.27 FEES FOR SERVICES PURSUANT TO INTERGOVERNMENTAL AGREEMENTS.**

Fees for services pursuant to intergovernmental agreements shall be as follows:

Monday through Friday	
8:00 a.m.-4:30 p.m.	\$100 per incident
After hours, weekends and holidays	
4:30 p.m.-12:30 p.m.	\$150 per incident
Emergencies only	
12:30 a.m. - 8:30 a.m.	\$250 per incident

(1980 Code, § 90.27) (Ord. 07-0291, adopted 7-1-2007)

### **§ 90.99 PENALTY.**

(A) (1) Any person violating or aiding in or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate, permit, or tag or making any misrepresentations in regard to any matter prescribed by this chapter, or resisting or obstructing or impeding the Administrator or an authorized officer in enforcing this chapter, or refusing to produce for inoculation any dog, cat or ferret in his possession not confined at all times to an enclosed area, or who removes a tag from a dog, cat or ferret for purposes of destroying or concealing its identity, is in violation and shall be fined not less than \$75 and not more than \$250.

(2) The fine for running at large or for a barking of howling dog shall be not less than \$75 and not more than \$250, plus the administrative fee.

(B) Each day a person fails to comply constitutes a separate offense.

(C) The County Animal Control Department may issue a violation ticket in those instances where an owner violates this chapter.

(1) The violation ticket would give the owner or keeper cited the option of appearing in court on a specified date for trial or paying a fine of \$75 per offense for the following offenses:

- (a) Failure to confine a biting animal after 24-hour notification;
- (b) Failure to present an animal for any rabies observation examination;
- (c) Failure to have an animal currently inoculated against rabies;
- (d) Failure to have an animal registered;
- (e) Selling, giving away, concealing or otherwise disposing of animal under investigation per §§ 90.04 and 90.05;
- (f) Permitting or allowing an animal under investigation per §§ 90.04 and 90.05 to be taken beyond the limits of the county; and
- (g) Allowing an animal in heat (estrus) to be left outside of its enclosure or not controlled by a leash.

(2) The violation ticket would give the owner or keeper cited the option of appearing in court on a specified date for trial or paying a fine of \$50 per offense for the following offenses:

- (a) Barking dogs; and
- (b) Permitting an animal to run at large.

(D) (1) If the owner of a dog subject to enclosure neglects to do the following, then the owner shall be guilty of a Class A misdemeanor:

(a) Fails to maintain or keep the dog in an enclosure;

(b) The dog inflicts great bodily harm permanent disfigurement, permanent physical disability upon any other person or causes the death of another person; and

(c) The attack is unprovoked in a place where the person is peaceably conducting himself or herself and where the person may lawfully be.

(2) Unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure, then the owner shall be guilty of Class 4 felony.

(3) The penalty in this division shall be in addition to any other criminal or civil sanction provided by law.

(E) The owner of the animal must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies, as specified in this chapter.

(1980 Code, § 90.99) (Res. 99-61, adopted 2-18-1999; Res. 06-122, adopted 3-16-2006; Am. Ord. 11-287, passed 8-18-2011)