

ARTICLE II. ADMINISTRATION**DIVISION 1. GENERALLY**

Secs. 6-25—6-51. Reserved.

DIVISION 2. ANIMAL CONTROL ADMINISTRATOR**Sec. 6-52. Appointment; compensation; deputy; removal from office.**

(a) The chairperson of the county board with the advice and consent of the county board shall appoint an animal control administrator.

(b) The appointment shall be for two years. The administrator's salary and expenses shall be set annually by the county board and incorporated in the annual budget.

(c) The administrator, with the advice and consent of the county board, may appoint a deputy administrator and animal control officers at such salary and with such expenses as shall be set annually by the county board and incorporated in the annual budget.

(d) The administrator may be removed from office by the county board chairperson, with the advice and consent of the county board.

(Code 1982, § 5-2; Ord. of 3-8-1983, § 3)

State law reference—Similar provision, 510 ILCS 5/3(3).

Sec. 6-53. Duties and responsibilities.

(a) The animal control administrator shall have the following duties and responsibilities:

- (1) Supervising the county's animal program, including stray animal control and impoundment of biters, as required by statute and enforcement of municipal ordinances, as agreed by the county through governmental cooperation agreements;
- (2) Responsibility for observing biting domestic animals impounded in the county shelter and examining and signing releases on any animals impounded for rabies observation;
- (3) Overseeing the policies of concerning the impoundment of animals, the return of animals to their owners, the adoption of animals, the humane dispatch of animals and the disposal of their remains;
- (4) Development and implementation of written standards for the sanitation of the shelter;

- (5) Euthanizing animals in accordance with appropriate policies and/or training and monitoring of staff members to be certified in the procedure of euthanasia. Also responsible for ordering and controlling any controlled substances used by the department;
 - (6) Ensuring that adequate wholesome food, shelter and careful humane treatment are provided for impounded animals;
 - (7) Providing consultation and emergency medical care for unknown stray animals in the custody of the department;
 - (8) Maintaining a liaison with state and federal departments of agriculture, local veterinarians, professional livestock and agrarian organizations and public groups in the development and administration of laws and regulations pertaining to the prevention of animal diseases of public health importance in compliance with the state animal control act and city and county ordinances;
 - (9) Consulting with the county administrator and animal services director regarding personnel matters in the department;
 - (10) Recommending changes in animal control policies to the county administrator and oversight committee; and
 - (11) Developing and implementing educational programs for the public concerning state and local ordinances and also responsible pet ownership.
- (b) The administrator shall be responsible for:
- (1) The day to day administration of the department; and
 - (2) The hiring of personnel, personnel evaluation and discipline.
- (Code 1982, § 5-3(a), (b); Ord. of 3-8-1983, § 4; Ord. No. 2010-2, 7-13-2010)

State law reference—Duties and powers, 510 ILCS 5/5(a), (b).

Sec. 6-54. Sheriff; animal control officers; enforcement.

(a) *Sheriff.* The sheriff and his deputies shall cooperate with the administrator and director in carrying out the provisions of this chapter and enforcement of this chapter.

(b) *Officers.* The officers of the county animal control division, as public safety officers, are responsible for:

- (1) Enforcing the county Code as it pertains to animals;
- (2) Enforcing the Illinois Compiled Statutes as they pertain to the Animal Control Act under 510 ILCS 5/1 et seq.; and the Humane Care for Animals Act under 510 ILCS 70/1 et seq.;
- (3) Responding to complaints of animal abuse, animals running at large, and other similar offenses and creating written reports of any suspected illegal activity regarding animals;

- (4) Impounding animals found at large or straying or in violation of any state statute or local ordinance where authority to impound is expressly given;
 - (5) Obtaining search and/or seizure warrants with the assistance of the county state's attorney's office to enter into residential premises to enforce all provisions of local ordinances and state law pertaining to animals;
 - (6) Testifying in court and administrative hearings concerning alleged violations of county ordinances and state statutes regarding animals;
 - (7) Cooperating with the sheriff, his deputies, and any other local law enforcement in the investigation of animal ordinance and statute violations; and
 - (8) Following the commands of the administrator.
- (Code 1982, § 5-3(c), (d); Ord. of 3-8-1983, § 4; Ord. No. 2010-2, 7-13-2010)

Sec. 6-55. Police powers.

(a) The animal control administrator, deputy administrators and animal control officers, for the purpose of enforcing the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and the county animal control ordinance, have the power of police officers in the county and as peace officers in the county for the purpose of enforcing the provisions of the Illinois Animal Control Act or the county animal control ordinance, including the issuance and service of citations, summonses and orders as well as executing and serving all warrants and processes issued by any circuit court.

(b) In obtaining information required to implement this chapter, the department shall have power to subpoena and bring before it any person in this state and to take testimony either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this state.

(c) The animal control administrator and any member of the county board shall each have power to administer oaths to witnesses at any hearing which the department is authorized by law to conduct, and any other oaths required or authorized in any act administered by the department.

(d) A specific animal control officer may be permitted by ordinance to carry a firearm in the course of his duties and must observe the policy approved by the health committee for use of firearms by animal control personnel. The policy set forth in this subsection for the carrying and use of a firearm by personnel of the county animal control department who, by ordinance, are specifically allowed to carry and use a firearm in the course of his employment after completing proper training. Reference words such as "officer" or "personnel" pertain to persons employed as animal control employees of the county. The use of a firearm shall be governed by the procedures set forth below. If an animal control officer discharges a firearm in the course of his employment, an incident report shall be created which fully describes the nature of

the incident. A firearm may only be used against vicious animals if the animal control officer reasonably believes he may be in danger of receiving serious bodily harm to himself or another person by an animal.

- (1) *Safety procedures.* Safety procedures are as follows:
 - a. Officers shall refrain from displaying their service weapon to anyone except upon demand of a superior or inspecting officer.
 - b. In training or range work the unattended service weapon shall be empty, cylinder out, right side of weapon down and pointed down range.
 - c. At all other times, normal safety precautions shall be observed.
 - d. Officers shall not leave their weapon in an unlocked vehicle or in open view in any building or vehicle.
- (2) *Qualifying with firearms.* Provisions pertaining to qualifying with firearms are as follows:
 - a. All officers shall qualify with the animal control department with approved on-duty weapons no less than twice every 12 months.
 - b. All weapons must be purchased by the officer, unless otherwise agreed upon with the county board. All service and qualification ammunition will be purchased by the officer. Service ammunition will be replaced no less than one time per 12-month period.
 - c. All weapons must either be kept on such officer's person or in a locked compartment accessible to the officer securing said weapon. Off-duty, it shall be the responsibility of each officer to make safe all weapons and ammunition in their particular residence.
 - d. Under no circumstances shall an officer carry a firearm under the influence of alcohol or any other substance that would impair the officer mentally or physically.
 - e. Animal control officers are not allowed to carry weapons off duty.
- (3) *Use of weapons.* Provisions regarding the use of weapons are as follows:
 - a. Officers must successfully complete 40 hours of mandatory firearms training in accordance with the Firearm Training Act, 50 ILCS 710/2.
 - b. Officers must have a valid F.O.I.D. card.
 - c. Officers may carry their firearms only in performance of their official duties.
- (4) *Discharging of firearms.* Provisions pertaining to the discharge of firearms are as follows:
 - a. *Prohibited.* Firearms shall not be discharged under the following circumstances:
 1. As a warning.

2. Indiscriminately, not in the line of duty.
 - b. *Permissible.* Firearms may be discharged under the following conditions:
 1. When the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another by a dangerous animal.
 2. To kill a dangerous animal or one that humanity required to remove it from further suffering when all other disposition is impractical.
 3. Under any circumstance, an officer will discharge a weapon only consistent with due and reasonable care for the safety of innocent bystanders.
 - (5) *Investigation of shooting.* In case of accidental discharges of an officer's firearm, the officer involved and his immediate supervisor shall file a written report to the animal control administrator for his action.
 - (6) *Reporting discharging of firearm.* Whenever an officer discharges his firearm, either accidentally or in the performance of duty, except on an approved range, he shall notify his superior as soon as possible, both orally and in writing, giving the details of the discharging.
- (Code 1982, § 5-4; Ord. of 3-8-1983, § 5; Ord. of 12-13-1983, § 1; Ord. No. 2007-1, 2-20-2007)

State law reference—County may by ordinance determine extent of police powers, 510 ILCS 5/5.

Sec. 6-56. Apprehension and investigation.

For the purpose of making inspections and carrying out the provisions of this chapter, the administrator, or his authorized representative, or any peace officer, may enter into private property, provided that the entry shall not be made into any building that is a person's residence, to apprehend a dangerous or vicious dog or other animal, to apprehend a dog or other animal thought to be infected with rabies; to apprehend a straying dog or other animal; or to apprehend a dog or other animal who has bitten any person. At the request of the owner or occupier of private property, the administrator, or his authorized representative, may enter onto such property to apprehend any dog whether or not said dog is wearing a rabies inoculation tag or an identification tag. 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.

(Code 1982, § 5-5; Ord. of 3-8-1983, § 18)

State law reference—Similar provision, 510 ILCS 5/17.

Secs. 6-57—6-85. Reserved.

DIVISION 3. ANIMAL CONTROL FUND*

Sec. 6-86. Use of funds.

(a) The animal control fund is an account administered by the county treasurer for the purpose of paying the cost of the animal control program. One-third of all fees collected for the issuance of rabies inoculation tags shall be retained in the fund until the first Monday in March of each calendar year for the purpose of paying claims for loss of livestock or poultry, as set forth in section 6-148, and said funds may also be utilized by the Iroquois Public Health Department for the purchase of human rabies antiserum, human vaccine, the cost for administration of serum or vaccine and minor medical care, provided that:

- (1) It is proven by the department of agriculture's state laboratory that said case being treated was, in fact, a proven case of rabies; and
- (2) That sufficient proof is shown that said rabid animal was not owned by any person.

(b) The remaining two-thirds shall be used for paying the cost of stray dog control, impoundment, education or animal control and rabies, and other costs incurred in carrying out the provisions of this section.

(Code 1982, § 5-9; Ord. of 3-8-1983, § 8; Ord. of 2-14-1984; Ord. No. 2007-16, 11-13-2007)

State law reference—Animal control fund, 510 ILCS 5/7.

Secs. 6-87—6-115. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 6-116. Notice required; redemption.

(a) When dogs or cats are apprehended and impounded by the administrator, they must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake of each dog or cat. The administrator shall make every reasonable attempt to contact the owner, agent, or caretaker as soon as possible. The administrator shall give notice of not less than seven business days to the owner, agent, or caretaker prior to disposal of the animal, if known. Such notice shall be mailed to the last known address of the owner, agent, or caretaker. Testimony of the administrator, or his authorized agent, who mails such notice, shall be evidence of the receipt of such notice by the owner of such dog or cat. Mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the administrator shall

***State law reference**—Animal control fund, 510 ILCS 5/7.

also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization. Prior to transferring the dog or cat to another humane shelter, rescue group, or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal control facility may proceed with the adoption, transfer, or euthanization.

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

- (1) Present proof of current rabies inoculation, and registration, if applicable, or pay for the rabies inoculation of the dog or cat, and registration if applicable;
- (2) Pay the pound or shelter for the board of the dog or cat for the period it was impounded;
- (3) Pay a fine of \$25.00 for the first and second offenses and a fine of \$100.00 for the third and subsequent offenses;
- (4) Pay into the animal control fund an additional impoundment fee as prescribed by the county board as a penalty for the first offense and for each subsequent offense;
- (5) Pay a \$25.00 public safety fine to be deposited into the pet population control fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner, agent, or caretaker has the animal spayed or neutered within 14 days; and
- (6) Pay for microchipping and registration if not already done.

This shall be in addition to any other penalties invoked under this chapter. All amounts collected by the county treasurer pursuant to this section shall be placed in the animal control fund.

(c) When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. The animal shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the

person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal shelter, and any monies which have been deposited shall be forfeited and submitted to the pet population control fund on a yearly basis. This chapter shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this chapter and other existing laws. The animal shelter or animal control facility shall not release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the state department of agriculture or is a representative of a not-for-profit out-of-state organization. The state department of agriculture may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this subsection or that fails to report its intake and euthanasia statistics each year.

(Code 1982, § 5-6; Ord. of 3-8-1983, § 17; Ord. of 12-13-1983, § 4)

State law reference—Similar provisions 510 ILCS 5/10, 5/11.

Sec. 6-117. Citations.

(a) Animal control officers and peace officers of the county may issue citations to the owners of dogs and cats for violations of this chapter in lieu of impounding the dog or cat. When such a citation is issued, an appearance date of not less than ten days and not more than 45 days shall be entered by the officer on the citation.

(b) The owner of the dog or cat receiving the citation may admit to the offense charged in the citation prior to the scheduled appearance date by so indicating on the citation and paying a fine of \$25.00 plus costs to the circuit clerk.

(Code 1982, § 5-7; Ord. of 3-8-1983, § 20)

Secs. 6-118—6-147. Reserved.

ARTICLE IV. DOMESTIC ANIMAL KILLED OR INJURED

Sec. 6-148. Reimbursement for loss.

(a) Any owner having sheep, goats, cattle, horses, mules, swine or poultry being injured, wounded or killed by a dog is entitled to receive reimbursement for such losses from the animal control fund upon the filing of a claim and making the proof required by this chapter.

(b) Any injury or killing for which reimbursement is sought shall be reported to the administrator, or his designated representative, within 24 hours after such injury or killing occurred. The person making such claim must be a resident of the state and

must sign an affidavit stating the number of such animals or poultry killed or injured, and, if injured, the extent of the injuries, and the amount of damages as well as the owner of the dog causing such killing or injury, if known. The damages referred to in this subsection shall be substantiated by the administrator through prompt investigation and by not less than two witnesses. The administrator shall determine whether the provisions of this section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

(c) The administrator shall file a written report with the county treasurer as to the right of an owner of sheep, goats, cattle, horses, mules, swine or poultry to be paid out of the animal control fund the amount of such damages claimed.

(d) The county treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which such owner is entitled. If there is not sufficient money from one-third of all fees collected for the issuance of rabies inoculation tags during the course of a year to pay all claims for damages in full, then the county treasurer shall pay to such owner of animals or poultry the pro rata share of the money available. If there are funds in excess of amounts paid for such claims for killing or injury in that portion of the animal control fund set aside for this purpose, the excess shall be used for other costs of the program and shall be transferred after all authorized claims for that year have been paid. The county treasurer shall submit not later than April 1 of each year an itemized list of claims showing the number and kind of animals or poultry killed or injured by dogs, the amount of claim and the amount paid for each claim.

(e) Reimbursement shall not exceed the following amounts, except the maximum amounts shall be increased 50 percent for animals for which the owner can present a certificate of registry of the appropriate breed association or organization:

- (1) Goats, per head, \$30.00.
- (2) Cattle, per head, \$300.00.
- (3) Horses or mules, per head, \$200.00.
- (4) Swine, per head, \$50.00.
- (5) Turkeys, per head, \$5.00.
- (6) Sheep, per head, \$30.00.
- (7) Poultry, other than turkeys, per head, \$1.00.

(f) Forms used in making claims for reimbursement for animals or poultry killed or injured by dogs shall be in such form as prescribed by the state department of agriculture.

(Code 1982, § 5-10; Ord. of 3-8-1983, § 9; Ord. of 12-13-1983, § 2)

Secs. 6-149—6-179. Reserved.

ARTICLE V. DANGEROUS DOGS AND VICIOUS DOGS*

DIVISION 1. GENERALLY

Sec. 6-180. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog means 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 grounds or places.

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. 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.

Impounded means taken into the custody of the public pound or shelter in the city or town where the vicious dog is found.

Run line means a system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.

Vicious dog means:

- (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 which attacks a human being or domestic animal without provocation.
- (4) Any individual dog which has been found to be a dangerous dog upon three separate occasions.

***State law references**—Vicious dogs, 510 ILCS 5/15; dangerous dogs, 510 ILCS 5/15.1.

(5) 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. (Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Sec. 6-181. Exemptions.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, accelerant detection dogs and sentry, guard or police-owned dogs are exempt from this article, 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 6-290. 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.

(Code 1982, § 5-11(d); Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

State law reference—Similar provision, 510 ILCS 5/15(b).

Secs. 6-182—6-200. Reserved.

DIVISION 2. VICIOUS DOGS*

Sec. 6-201. Procedure.

(a) In order to have a dog deemed vicious, the administrator, deputy administrator, or law enforcement officer must give notice of 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 recommending a 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, director 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 to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The administrator shall determine where the animal shall be confined during the pendency of the case.

***State law reference**—Vicious dogs, 510 ILCS 5/15.

(b) A dog may not be declared vicious if the court 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 was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
- (2) The injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or
- (3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

(c) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

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

(e) If a dog is found to be a vicious dog, the owner shall pay a \$100.00 public safety fine to be deposited into the pet population control fund, the dog shall be spayed or neutered within ten 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 \$500.00 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog to be euthanized. A dog found to be a vicious dog shall not be released to the owner until the administrator, an animal control officer, or the director approves the enclosure.

(f) Whenever an owner of a vicious dog relocates, he shall notify both the administrator of county animal control where he has relocated and the administrator of county animal control where he formerly resided.

(g) 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 15 working days, the dog may be euthanized.

(h) 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.

Sec. 6-202. Unlawful to maintain vicious dog; exceptions.

(a) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times 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 vicious dog; or

- (2) In the case of an emergency or natural disaster where the dog's life is threatened;
 - (3) To comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a leash not exceeding six 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.
- (b) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.
- (c) No owner or keeper of a vicious dog shall sell or give away any vicious dog without approval from the administrator or the court.
- (Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Secs. 6-203—6-227. Reserved.

DIVISION 3. DANGEROUS DOGS

Sec. 6-228. Dangerous dog determination.

- (a) After a thorough investigation, including sending, within ten business days of the administrator or director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, 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 detailed written report, an animal control officer, deputy administrator, or law enforcement agent may ask the administrator, or his designee, or the director, to deem a dog to be dangerous. No dog shall be deemed a dangerous dog unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.
- (b) A dog shall not be declared dangerous if the administrator, or his 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 or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
 - (2) The threatened person was abusing, assaulting, or physically threatening the dog or its offspring;

- (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 or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- (c) Testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this section.
- (d) If deemed dangerous, the administrator, or his designee, or the director shall order:
- (1) The dog's owner to pay a \$50.00 public safety fine to be deposited into the pet population control fund;
 - (2) The dog to be spayed or neutered within 14 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 applied 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 evaluations and training ordered under this subsection (d); or
 - b. Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
- (e) The administrator may order a dangerous dog to be muzzled whenever it is on public premises 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.
- (f) 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 6-290 and performing duties as expected. It shall be the duty of the owner of the 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 the exempted dogs, and shall promptly notify the departments of any address changes reported to him.
- (g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this division.

State law reference—Similar provision, 510 ILCS 5/15.1.

Sec. 6-229. Leash or other control method required.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by a leash or other recognized control methods.

State law reference—Similar provision, 510 ILCS 5/15.2.

Sec. 6-230. Appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this division by the administrator may file a complaint against the administrator in the circuit court within 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 Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the administrator meets his burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this division by the director of the state department of agriculture may, within 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 state department of agriculture's rules applicable to formal administrative proceedings, 8 Ill. Admin. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his request for a hearing to the state 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. If the plaintiff in a review proceeding is not a resident of the state, the venue shall be in Sangamon County. The administrative 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 requirements set forth by the administrator, the court, or the director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

State law reference—Similar provision, 510 ILCS 5/15.3.

Sec. 6-231. Potentially dangerous dog.

A dog found running at large and unsupervised with three or more other dogs may be deemed a potentially dangerous dog by the animal control officer or administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14

days of reclaim. The designation of potentially dangerous dog shall expire 12 months after the most recent violation of this section. Failure to comply with this section will result in impoundment of the dog or a fine of \$500.00.

State law reference—Similar provision, 510 ILCS 5/15.4.

Sec. 6-232. Filing a complaint.

The animal control 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 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 a 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 chapter, 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.

(Code 1982, § 5-11; Ord. of 3-8-1983, § 15; Ord. of 12-13-1983, § 3; Ord. of 4-12-1988, § 1)

Secs. 6-233—6-257. Reserved.

ARTICLE VI. DOG REGISTRATION*

Sec. 6-258. Required.

Every owner of a dog which is four months or more of age shall cause his dog to be registered and shall pay an annual fee which is on file in the county clerk and recorder's office for each dog at the county animal control office, county administrative center, Watseka, Illinois.

(Code 1982, § 5-21; Ord. of 3-8-1983, § 6; Ord. of 4-8-1986; Ord. No. 96-6, § 1, 2-13-1996; Ord. No. 99-26, § 1, 11-9-1999)

Sec. 6-259. Fee.

By authority of 510 ILCS 5/7, the county establishes a fee for the animal control fund for expenses incurred in maintaining an animal control program. There is hereby imposed for the registration of dogs a registration fee, which is on file in the county clerk and recorder's office, per dog, payable to the county treasurer.

(Ord. No. 2002-8, 11-12-2002)

State law reference—Similar provision, 510 ILCS 5/3.

***State law reference**—County board may require registration and assess a fee, 510 ILCS 5/3.

Sec. 6-260. Collar and identification.

Every owner of a dog four months of age or more shall cause a current, valid rabies inoculation tag to be attached to a collar or harness and worn by the dog to which such tag was issued at all times.

(Code 1982, § 5-22; Ord. of 3-8-1983, § 16)

Sec. 6-261. Running at large.

Any dog found running at large contrary to provisions of this chapter shall be apprehended and impounded. For this purpose, the administrator shall utilize any existing or available public pound or shelter.

(Code 1982, § 5-23; Ord. of 3-8-1983, § 10)

Sec. 6-262. Confinement of female dogs.

All female dogs shall be confined to an enclosure at all times during their estrus period.

(Code 1982, § 5-24; Ord. of 3-8-1983, § 11)

Sec. 6-263. Killing of certain dangerous dogs.

Any owner seeing his sheep, goats, cattle, horses, mules, swine, poultry, or rabbits being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill such dog.

(Code 1982, § 5-25; Ord. of 3-8-1983, § 19)

Secs. 6-264—6-289. Reserved.**ARTICLE VII. RABIES CONTROL*****Sec. 6-290. Inoculation.**

(a) Every owner of a dog which is four months or more of age shall cause such dog to be inoculated against rabies by a licensed veterinarian. All dogs must have a current inoculation against rabies and evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the county board and which shall be signed by the licensed veterinarian administering the vaccine. The county board shall cause a rabies inoculation tag (registration tag) to be issued, pursuant to section 6-258.

***State law reference**—Rabies control requirements, 510 ILCS 5/8, 510 ILCS 5/10, 510 ILCS 5/12.

(b) Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the state department of agriculture.

(c) All fees collected for the issuance of rabies inoculation tags shall be remitted to the county treasurer, who shall place such monies in an animal control fund.

(Code 1982, § 5-41; Ord. of 3-8-1983, § 7; Ord. No. 2000-6, § 1, 8-8-2000)

State law reference—Rabies inoculation required, 510 ILCS 5/8.

Sec. 6-291. Animals exhibiting signs of rabies.

(a) The owner of any dog or other animal which exhibits clinical signs of rabies, whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the administrator or, if the animal control administrator is not a veterinarian, the deputy administrator.

(b) The owner shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten days unless officially authorized by the animal control administrator or, if the administrator is not a veterinarian, the deputy administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the administrator, or, if the administrator is not a veterinarian, the deputy administrator. (Code 1982, § 5-42; Ord. of 3-8-1983, § 12)

State law reference—Exhibiting clinical signs of rabies, 510 ILCS 5/12.

Sec. 6-292. Report of bite.

(a) When the administrator receives information that any person has been bitten by a dog or other animal, the administrator or his authorized representative shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of ten days. Such veterinarian shall report the clinical condition of the dog or other animal immediately with confirmation in writing to the administrator within 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 and whether the animal has been spayed or neutered, on appropriate forms approved by the state department of agriculture. 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 of the administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the department. 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 days, if the administrator adjudges such confinement satisfactory. At the beginning and end of the confinement period, such dog or other animal shall be examined by a licensed veterinarian.

(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 authorized representative. 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 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. Any expense incurred in the handling of an animal under this section and section 6-291 shall be borne by the owner. The owner of a biting animal must also remit for deposit into the pet population control fund, a \$25.00 public safety fine within 30 days after notice. 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 responsibilities. Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner. For the purpose of this section, the term "immediately" means by telephone, in person, or by other than use of the mail.

(Code 1982, § 5-43; Ord. of 3-8-1983, § 13)

State law reference—Report of bites, 510 ILCS 5/13.

Sec. 6-293. Prevention of spread of rabies.

(a) Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the department shall act to prevent its spread among dogs and other animals. The department may order:

- (1) That all dogs or other animals in the locality be:
 - a. Kept confined within an enclosure; or
 - b. Kept muzzled and restrained by a leash.
- (2) Other measures as may be necessary to control the spread of rabies.

(b) The state department of agriculture may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

(Code 1982, § 5-44; Ord. of 3-8-1983, § 14)

Secs. 6-294—6-319. Reserved.

ARTICLE VIII. KENNELS***Sec. 6-320. Definition.**

For the purposes of this chapter, the term "kennel" is hereby defined as any place where five or more dogs over four months of age, are kept on the premises more than 24 hours.

Sec. 6-321. General standards.

(a) *Buildings and premises.* Regulations regarding buildings and premises are as follows:

- (1) All buildings and premises shall be maintained in a sanitary condition and the kennel owner/operator shall:
 - a. Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - b. Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610) and rules enacted pursuant to that law (8 Ill. Admin. Code 85) and local ordinances.
 - c. Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - d. Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment and utensils.
 - e. Provide hand washing facilities.
- (2) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for separation of diseased animals to avoid exposure to healthy and salable animals.
- (3) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
- (4) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
 - a. The cages must be cleaned and sanitized at least once daily, or more often as necessary.
 - b. All empty cages shall be kept clean at all times.

***Editor's note**—Printed herein is the county kennel ordinance adopted on May 8, 2001, and revised February 14, 2006, and November 10, 2009.

State law reference—Animal welfare act, 225 ILCS 605/1 et seq.

- c. Cages shall be of sufficient size to allow the animal to comfortably stand, sit or lie, and offer freedom of movement.
 - d. An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; 1995) shall be maintained for warm-blooded animals. In the case of cold-blooded animals, the temperature that is compatible to the well being of the species shall be maintained.
- (5) Runs shall be constructed of material of sufficient strength and design to confine the animals.
 - a. They shall be kept in good repair and condition.
 - b. For new construction or remodeling, the kennel owner/operator shall provide runs surfaced with concrete or other impervious material.
 - c. Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - d. Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.
- (6) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.
- (7) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female dog or cat in estrus shall be placed in a pen with male animals, except for breeding purposes.
- (8) Any kennel licensee having two dogs of the following breeds should provide perimeter fencing of sufficient design to securely confine the size type of the following dog breeds:

American Pit Bull Terrier;

Husky;

American Bull Terrier;

Italian Mastiff;

Persia Canario;

Rottweiler;

Alaskan Malamute;

German Shepard;

Doberman Pincher;

Chow Chow;

Cane Corso;

American Staffordshire Terrier;

Akitta.

(b) *Property information.* Regulations pertaining to property information are as follows:

- (1) Legal description or PIN number of property.
- (2) Site plan showing kennel distance in relation to property boundaries, other buildings, wells and septic system.
- (3) Minimum land use: Two acres.
- (4) Setback distances: Front - 100 feet; side - 75 feet; back - 100 feet.
- (5) Minimum 600 feet from residentially zoned lot line.

(c) *General care of animals.* Regulations regarding the general care of animals are as follows:

- (1) All persons or establishments granted conditional use permits shall comply with all sections of Humane Care for Animals Act (510 ILCS 70).
- (2) Sufficient clean water and fresh food shall be offered to each animal daily prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; 1995). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- (3) The kennel owner/operator, or his representative, shall be present for general care and maintenance of the animals at least once daily.
- (4) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often, if necessary.

Sec. 6-322. Procedure for application.

- (a) Applicants to use forms provided by zoning office.
- (b) Personal information shall include:
 - (1) Name of applicant.
 - (2) Name of property owner, if different from applicant.
 - (3) Mailing address and telephone number of applicant and property owner.
- (c) Kennel characterization shall include:
 - (1) Type of kennel, i.e., boarding, breeding, training, shelter.
 - (2) Type of animals, i.e., dogs, cats and non-food producing exotic animals.
 - (3) Maximum number of animals to be housed for time periods more than 24 hours.

- (d) Fees. Regulations regarding fees are as follows:
 - (1) No conditional use permit shall be approved without payment of fees.
 - (2) The amount of fees shall be in accordance with the ordinance pertaining to the approved fee schedule, as amended.
- (e) Approval process.
 - (1) Conditional use permit must be obtained through regular course of administrative review.
 - (2) Administrative review channels are regional planning, zoning board of appeals, planning and zoning committee and county board.
- (f) New application requirements are as follows:
 - (1) Any increase in the number of animals of the kennel which exceed the number stated in any application for conditional use shall be reported to the animal control officer or zoning enforcement officer within 72 hours.
 - (2) Any increase in the number of animals of the kennel which exceed the number stated in any application for conditional use requires the kennel owner/operator to re-apply for a new conditional use permit.
 - (3) Any kennel owner/operator required to re-apply under this subsection shall only pay the renewal permit fee.

Sec. 6-323. Additional conditions.

- (a) Kennel conditional use.
 - (1) Kennels shall be allowed only in the following zoning districts: A-1, A-2, RH-1, B-1, M-1 and M-2.
 - (2) The kennel owner/operator gives implied consent for periodic on-site kennel inspections by the county animal control official, zoning enforcement officer or building inspector before renewal of conditional use permit.
 - (3) The kennel owner/operator has the duty to provide the animal control official or zoning enforcement officer or building inspector proof of animal registration, neutering, licensing, or vaccinations.
 - (4) The kennel owner/operator will allow an initial inspection of the premises by any member of the planning and zoning committee, building inspector, zoning enforcement officer or an animal control officer.
 - (5) The kennel owner/operator shall state in the application the number of animals which are the subject of the kennel and any increase in such animals shall be reported to the animal control officer or a zoning enforcement and a new application for a conditional use permit shall be required.

- (6) A kennel is a conditional use that must be renewed annually by the zoning enforcement officer.
- (7) The kennel owner/operator shall post a surety bond of \$75.00 for each animal over ten in number to defray the disposal cost to the county if the facility ceases operations. The term of surety bond should be the same as the term of the conditional use.
- (8) The kennel owner/operator shall show proof of premises liability insurance that references the kennel operation as the object of such insurance in a minimum amount of \$500,000.00 per person and \$1,000,000.00 per occurrence.

Sec. 6-324. Refusal, suspension, mediation or revocation of the conditional use permit.

(a) *Grounds for discipline.* The zoning board or the zoning enforcement officer or animal control officer may refuse to issue or renew or may suspend or revoke a conditional use permit on any one or more of the following grounds:

- (1) Material misstatement in the application for original conditional use permit or in the application for any renewal under this article.
- (2) A violation of any condition or of any regulations or rules issued pursuant thereto.
- (3) Conviction of a violation of any law of the state except minor violations such as traffic violations and violations not related to the disposition of dogs, cats and other animals, or any rule or regulation as to dogs or cats of sale thereof.
- (4) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a conditional use permit.

(b) *Complaints.*

- (1) Kennel owner/operator agrees to mediate any nuisance, complaint or conditional use violation before the zoning enforcement officer or animal control officer.
- (2) If mediation with a zoning enforcement officer or animal control officer is unsuccessful, any party may schedule a hearing before the planning and zoning committee.
- (3) The kennel owner/operator may appeal final decisions of the planning and zoning committee to the county board.
- (4) Kennel owner/operator shall have the right to apply to the appropriate court of law only after exhausting the above-described administrative remedies.

Sec. 6-325. Guidelines for investigating kennel license complaints.

(a) The chairperson of the planning and zoning committee will decide to investigate a complaint against a kennel licensee for violation of their conditional variance based upon relevant zoning regulations and/or the ordinance regulating kennels. Complaints may be based upon:

- (1) Nuisance complaint by any aggrieved county resident;
- (2) Verifiable report of a violation to the zoning office, or the animal control office;
- (3) The report of zoning or animal control inspectors of violations discovered during routine inspections.

(b) A written report by the inspector, if required, should contain, but not be limited to, the following:

- (1) The list of specific allegations should include the type of complaint:
 - a. Nuisance, i.e., noise, odor, escaping dogs, etc.
 - b. Violation of the conditional variance as related to type of kennel, i.e., selling or adopting out dogs, and the variance did not provide for this type of kennel.
 - c. Violation as related to animal welfare, i.e., failure to provide adequate housing, food, etc.
 - d. Violation as relates to illegal activity, i.e., failure to register dogs or vaccinate for rabies, or licensee has provided false information on the application.

The list must also contain the date, time and place of the violation, and any monetary damages, personal injury or property damage that are incidental to the complaint.

- (2) Any available physical evidence, video, audio tapes, photographs, police reports, etc., should be referenced in the report as well as the names, addresses, and phone numbers of any complainants and witnesses.
- (3) If authorized to do so, and with notification of the licensee, a special inspection of the facility for evidence to support or disprove the allegations, may be necessary, and continued monitoring may be required.
- (4) The inspector may be authorized by the chairperson to make a preliminary finding on his opinion as to the validity of the complaint and if warranted make recommendations for corrections.
- (5) If the licensee agrees with the finding and the recommendations, the inspector must give a reasonable time for corrections to be made, at which time a reinspection may be required to verify compliance.

- (6) If the licensee does not accept the inspector's decision or refuses to make the required corrections, the inspector's written report will be submitted to the chairperson of the planning and zoning committee for a decision as to whether or not a hearing before the committee is warranted.

Sec. 6-326. Dog kennel license fees.

Fees for dog kennel licenses can be found on the fee schedule on file in the county clerk and recorder's office.