

# Jersey County Animal Control Ordinance

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## **DIVISION 1. GENERALLY**

### **1.1 Purposes of chapter.**

The purposes of the animal control programs are as follows:

- (1) To protect the public health and safety:
  - a. From rabies in accordance with the animal control act;
  - b. From dangerous and vicious dogs;
  - c. By educating the public about state and local ordinances;
  - d. By controlling and impounding animals under its jurisdiction;
  - e. By enforcing state statutes and county ordinances; and
  - f. By enforcing local ordinances to intergovernmental agreements.

### **1.2 Definitions.**

As used in this article the following terms shall mean as indicated below:

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

**Administrator:** A veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as administrator under this Act. In the event the administrator is not a veterinarian, the administrator shall defer to the veterinarian regarding all medical decisions. State law references: Similar provisions, 510 ILCS 5/2.01.

**Animal:** Any animal both domestic and wild, other than man, which may be affected by rabies. State law references: Similar provisions, 510 ILCS 5/2.03.

**Animal control warden:** Persons appointed by the administrator in such number as authorized by the county board to perform duties assigned by the administrator set forth in this chapter.

**Animal control facility:** may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing the Animal Control Act and Humane Care for Animals Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

**At large:** Any dog or cat shall be deemed to be at large where it is off the premises of its owner's real property and not restrained by a competent person.

**Breedable females:** Any dog or cat that is six (6) months or older and is not spayed.

**Business Day:** For the purpose of this Ordinance, a business day shall be considered a day of the week inclusive of Monday through Friday.

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

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

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

**State law references:** Similar provisions, 510 ILCS 5/2.05.

**Dangerous dog:** Any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and imminent threat of serious physical injury or death to a person or a companion animal.

**Department:** The department of agriculture of the state.

**State law references:** Similar provisions, 510 ILCS 5/2.06.

**Deputy administrator:** A veterinarian licensed by the State of Illinois, appointed by the administrator.

**Director:** The Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative. **State law references:** Similar provisions, 510 ILCS 5/2.08.

**Dog:** All domestic members of the family *Canis familiaris*.

**Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation,

**State law references:** Similar provisions, 510 ILCS 5/2.11.

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

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

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

**Inoculations against rabies:** The injection of an antirabies vaccine approved by the department.

**State law references:** Similar provisions, 510 ILCS 5/2.13.

**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 other animal and shall be of sufficient strength to keep such dog or other animal under control. State law references: Similar provisions, 510 ILCS 5/2.14.

**Licensed veterinarian:** A veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

**Multiple pet owner:** Any person who harbors more than five dogs or cats, or any combination thereof, over four months of age on their property or in their dwelling unit. State law references: Similar provisions, 510 ILCS 5/2.15.

**Owner:** Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a domestic animal to remain on or about any premises occupied by him or her. State law references: Similar provisions, 510 ILCS 5/2.16.

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

**Physical injury:** The impairment of physical condition. State law references: Similar provisions, 510 ILCS 5/2.18.

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

**Registration certificate:** A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this Act. State law references: Similar provisions, 510 ILCS 5/2.19.

**Restraint:** An owned animal, off the premises of its owner's real property, is under restraint within the meaning of this chapter:

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

**Rural:** The unincorporated area of the county which has not been subdivided for residential purposes.

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

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

**Sterilized:** means the surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

**Stray:** An animal which shall be considered a stray according to the ordinances that exist in the county in which the animal is found.

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

**Tag:** A serially numbered medallion approved by the department to be issued, at a fee set by the county board, as evidence of inoculation against rabies.

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

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

### **1.3 Administrator & County Board**

The county board shall appoint a licensed veterinarian as administrator. In the event the appointed administrator is not a licensed veterinarian, the board shall appoint a licensed veterinarian as deputy administrator. Appointments shall be made as necessary to keep this position filled at all times. The administrator may appoint as many deputy administrators and animal control wardens to aid him/her as may be authorized and appointed by the board. The compensation of the administrator, deputy administrators and animal control wardens shall be fixed by the board. The administrators, deputies and animal control wardens may be removed from office by the board for cause. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of county ordinances. The Board is authorized by ordinance to require the registration of all dogs and cats. The Board will require any dog or cat that is involved in a bite case to be microchipped at the owner's expense. The Board shall impose an individual dog or cat registration fee with a minimum differential of \$10 for intact dogs or cats. The ten dollars of the differential shall be placed in a county pet population control fund. If the money is placed in the county pet population control fund it shall be used to (a) spay, neuter, or sterilize adopted dogs or cats or (b) spay or neuter dogs or cats owned by low

income county residents who are eligible for the Food Stamp Program. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. State law references: Similar provisions, 510 ILCS 5/8.

#### **1.4 Annual report.**

The county board shall submit an annual report to the department showing the number of dogs or cats inoculated, fees and penalties collected, and the number of cases of rabies occurring in the county.

#### **1.5 Enforcement.**

It is the duty of the administrator, subject to the general supervision and regulations of the department, to enforce the provisions of this article and to inoculate dogs and cats or have the work done by his/her deputies or by licensed veterinarians. The administrator, his/her deputies, and animal control wardens are, in accordance with the Act and for the purpose of enforcing it clothed with power of the police officers in the county and within such county are peace officers in the enforcement of the provisions of the Act, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or on warrants for violation of the Act and to execute and serve all warrants and processes issued by, any circuit court, however, such peace officers are prohibited from carrying concealed weapons. The sheriff and his/her deputies and municipal police officers shall cooperate with the administrator in carrying out the provisions of the Act. State law references: Similar provisions, 510 ILCS 5/5.

#### **1.6 Animals running at large.**

(a) Every owner of an animal shall contain such animal to the confines of the owner's real property unless the animal is under restraint and shall not permit such animal to be at large. Any animal found running at large in the county may be apprehended and impounded in any existing or available public pound.

(b) The provisions of subsections (a), shall not apply to:

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

(c) Failure to comply with this section is a violation for which such person shall pay a penalty of \$25 for first violation, \$50 for second violation occurring within any 12-month period and \$100.00 for the third and each subsequent violation within any 12-month period. The dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county or municipality. A dog found running at large to the provisions of this ordinance a second or subsequent time must be spayed or neutered within 7 business days at the owner's expense after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment of animal. State law references: Dogs running at large, 510 ILCS 5/9; power of county board to prohibit dogs from running at large, 55ILCS 5/5-1071.

### **1.7 Impoundment and redemption.**

(a) When any dog or cat is apprehended and impounded by the administrator or any of his/her representatives, the dog or cat must be scanned for the presence of a microchip.

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

(c) All dogs and cats which have been impounded in accordance with the provisions of this article shall be humanely dispatched or disposed of by the pound as stray dogs or cats in accordance with the laws that exist or may hereafter exist when not redeemed by the owner within a period of not less than seven business days from the date of impoundment, excepting Sundays and holidays. In case the owner of the impounded dog or cat desires to make redemption thereof, he may do so on the following conditions and prior to the release of the animal:

(1) The owner shall present proof to the Secretary of the County Board, or other official designated by the County Board, of current rabies inoculation; or

(2) The owner shall make payment to the Secretary of the County Board, or other official designated by the County Board for the rabies inoculation and tag fee;

(3) The owner shall reimburse the County, on a prorated basis for the cost of board, transportation cost, and medical expenses of the dog or cat, at such rate as is set by the board, for the period it was impounded;

(4) The owner shall pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense. \$25.00 for the first offense, \$35.00 for the second offense, \$45.00 for the third offense, and \$55.00 for the fourth offense and each successive time.

(5) The owner shall pay a \$25.00 public safety fine to be deposited into the Pet Population Control Fund; this fine will be returned if it's the dog's or cats first impoundment and the owner has the animal spayed or neutered within 7 business days.

(6) The owner will pay for the dog or cat to be micro chipped (not to exceed \$15.00 per animal, if done by the county) and registration if not already done. State law references: Impoundment and redemption of dogs, 510 ILCS 5/9-5/11.

### **1.8 Redemption by person other than owner.**

(a) Upon expiration of 7 business days from the date of impoundment, except Sundays and holidays, an unclaimed dog or cat, which has been deemed suitable for adoption by the animal control officer or Administrator, may be adopted by any person other than the owner upon payment to the animal control officer, administrator, or delegate the adoption fee and sterilization deposit; provided that every dog or cat redeemed must have attached to its collar, or proof must be provided within 72

hours of, the rabies registration tag of the county.

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

(c) The administrator may designate an animal shelter or suitable animal rescue group, located within the boundaries of Jersey County, to serve as an animal adoption facility. Any animals turned over to animal shelters or animal rescue groups shall be done under the authorization of a written agreement between the County of Jersey and the respective animal shelter or animal rescue group. Adoption services provided by any animal shelter or animal rescue group shall be pursued and provided under the provisions and requirements of The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

**1.9 Right of entry; inspections; refusal to deliver dog or other animal.**

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

State law references: Similar provisions, 510 ILCS 5/17.

**1.10 Diseased or injured animals.**

Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by the administrator or his/her designated agent, may be subjected to disposal as provided in section 5-21 of this Code at the earliest possible time by the shelter personnel.

**1.11 Enforcement officers not responsible for accident or disease to any dog or cat.**

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

**1.12 Violations, penalties and settlement option.**

(a) Any person violating or aiding the violation of this division or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by the Act, or resisting, obstructing or impeding the administrator or any authorized officer in enforcing the Act, or who removes a tag from a dog for purposes of destroying or concealing its identity, shall pay a penalty of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for the first violation, not less than seventy-five dollars (\$75.00) and not more than five hundred dollars (\$500.00) for the second violation occurring within a twelve-month period and not less than two



hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) for the third and each successive violation within a twelve-month period. Each day a person fails to comply constitutes a separate offense.

(b) The Administrator or any law enforcement officer may issue a ticket in those instances where an owner violates this chapter by permitting his/her animal to run at large; by failing to have his/her animal currently inoculated against rabies; by failing to register his/her animal; or by failing to have his/her animal wear evidence of current rabies inoculation; or harboring a barking dog. The ticket would allow the owner to satisfy the violation without a court appearance by a written plea of guilty and payment of the minimum fine prescribed in this chapter, along with the applicable costs. If the person wishes to contest the violation charged, he/she may enter a plea of not guilty on or before the court appearance date found on the ticket. Where the offense charged is for an animal not currently inoculated against rabies, not registered, not wearing evidence of current rabies inoculation, the owner of the animal must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies.

(c) Any animal control officer or person designated to enforce the Animal Control Ordinance found failing, refusing, or neglecting to carry out the provisions of this chapter or the Act shall be guilty of a petty offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

### **1.13 Collection of monies.**

The Administrator of the county animal shelter shall have and perform the following duties enumerated in this section, in cases involving violations of the sections of this article:

(1) Accept payment of designated fines, penalties and fees and issue receipts for the same.

(2) Maintain records of all violations of the provisions of this chapter of which each person has been guilty during the preceding twenty-four (24) months whether such guilt was established in court or by payment of a fine into the animal control fund. Whenever any person charged with an offense which is payable at the animal control facility shall fail to appear and pay his/her fine in the time prescribed, the administrator shall cause a complaint to be filed against such person for such violation in accordance with arrest procedures.

### **1.14 Fines and fees paid into animal control fund.**

All fines, forfeitures, penalties and fees collected as a result of the enforcement of this chapter shall be paid into the animal control fund.

State law references: Animal Control Fund, 510 ILCS 5/7.

### **1.15 Animal considered a nuisance.**

No person owning, possessing or harboring any animal within the county shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

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

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

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

(4) Chases vehicles.

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

(6) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner. The administrator or animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (5) or (6) above and not restrained by a competent person. Any person found in violation of this section, except subsection (5), shall be penalized as set forth in section 1.12 above. Any person found in violation of this subsection (5) shall pay a penalty of (\$50) for the first violation, (\$100) for the second violation, and (\$500) for the third and subsequent violations. This section requires the support of the complainant for issuance of a violation complaint.

State law references: Animal Control Act, 510 ILCS 5/27; Criminal Jurisprudence Act, 740 ILCS 55/221.

### **1.16 Interference with animal control personnel.**

It shall be unlawful for any person to obstruct, impede or interfere with the administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or attempt to prevent the administrator or any of his/her delegates or the police from capturing or impounding any animal within the county.

## **DIVISION II. RABIES CONTROL**

### **2.1 Inoculation of dogs.**

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

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

(1) One copy shall be given to the owner at the time of inoculation;

(2) One copy shall be filed with the office of the administrator, or such place as the county board shall designate, within thirty (30) days after the date of inoculation;

(3) One copy shall be retained by the veterinarian administering the inoculation for a period of five (5) years, or such period as set by the department or the county board.

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

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

(e) Anyone that owns a dog that is not vaccinated for rabies, will be issued a written warning and will be given 7 business days to get the dog vaccinated for rabies. If owner doesn't comply, the owner will be issued a \$50 ticket and dog will be impounded.

State law references: Inoculation of dogs required, 510 ILCS 5/8.

## **2.2 Inoculation tags.**

(a) The owner of a dog shall, within thirty (30) days after such dog has been inoculated against rabies, procure an inoculation tag from the county. The cost of the tag shall be determined and set by the county board. The owner of a dog shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animals in transit or until the dog owner has established residence in this county.

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

## **2.3 Confinement of animal that has bitten someone.**

(a) When the administrator receives information that any person has been bitten by a dog or other animal, the administrator, or his/her authorized representative, shall have such dog or other animal confined under the observation of the county animal control facility or at a licensed veterinarian for a period of ten (10) days. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the administrator within twenty-four (24) hours after the dog or other animals is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate forms approved by the department. The administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the administrator advising him/her of the final disposition of such dog or other animal on appropriate forms approved by the department. (b) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the administrator, adjudges such confinement satisfactory. At the end of

the confinement period, such dog or other animal shall be examined by the administrator, or another licensed veterinarian.

State law references: Similar provisions, 510 ILCS 5/13.

#### **2.4 Duties of owners of rabid or biting animals.**

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

(b) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the administrator, or his/her authorized representative.

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

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

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

(f) The owner of a biting animal must also remit to the state Department of Public Health, for the deposit into the Pet Population Control Fund, a \$25 public safety fine within 7 business days after notice.

(g) Any dog that bites a person will be microchipped before the animal is released to the owner or if the animal is already rabies vaccinated and quarantined at home, the animal will need to be microchipped after the 10 day quarantine period is finished. The owner is responsible for the microchip expense, not to exceed \$15 fee. If owner doesn't comply, the dog will be impounded and owner charged for the impoundment fee, any boarding fees, and the microchip fee.

State law references: Similar provisions, 510 ILCS 5/12.

#### **2.5 Reimbursement to animal bite victims.**

The county is not obligated to pay to any person or resident of the county from the animal control fund any amount for the purchase of human rabies antiserum, the purchase of human vaccine, any

costs for the administration of the serum or vaccine or any amount for medical care which may have been provided to human bite victims.

## **2.6 Registration fees.**

The registration fee to be charged to the owner of animals in the county shall be:

- (1) For an annual registration, five dollars (\$5.00) for each animal which is neutered or spayed;
- (2) For an annual registration, fifteen dollars (\$15.00) for each animal which is not neutered or spayed.

## **2.7 Dangerous animals.**

Any animal running at large within the county whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the county, may be slain by an animal control officer, police officer, sheriff, or deputy sheriff.

## **DIVISION 3. VICIOUS AND DANGEROUS DOGS**

### **3.1 Scope.**

(a) In order to have a dog deemed "vicious" as defined in section 1.1 of this Code, 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 finding that the dog is a vicious dog. The administrator may impound said dog upon finding the dog is a vicious dog. The administrator will determine where the animal shall be confined during the pendency of the case.

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

(1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;

(2) The injured, threatened, or killed person was abusing or assaulting the dog.

(3) No dog shall be declared vicious if it is a professionally trained dog for law enforcement in the performance of its duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

(c) If a dog is found to be a vicious dog, the administrator may order said dog euthanized. No owner or keeper of a vicious dog shall sell, harbor, keep or give away any vicious dog.

(d) An animal impounded under this section will not be returned to the owner unless the animal is not found to be vicious. Animal(s) subsequently found to be vicious will be turned over by the county to an appropriate agent or agency for humane destruction.

(e) No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into or keep a vicious dog in any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any tenant to keep a vicious dog in any building

or premises owned or controlled by such landlord or agent. Any landlord or agent thereof learning of any vicious dog in any building or premises owned or controlled by such a landlord or agent thereof shall notify the person having such dog to remove the dog from the premises immediately.

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

(g) It is not the intent of this chapter to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

### **3.2 Vicious dogs- control, impoundment.**

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

(b) 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 seven (7) business days, the dog may be humanely destroyed. Upon filing a notice of appeal within seven (7) business days, 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, and all costs of the stay of the euthanasia order shall be borne by the owner. A dog found to be a vicious dog will not be released to the owner.

### **3.3 Dangerous dogs; nuisance; exceptions.**

(a) After a thorough investigation, including: sending notifications to the owner of the alleged infractions within 10 business days, 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 warden, deputy administrator, or law enforcement agent may ask the administrator, or his/her designee, or the director, to deem a dog to be "dangerous". The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process. A dog may not be declared dangerous if the administrator, or his/her designee, or the director determines the conduct of the dog was justified because:

(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;

(2) The threatened person was abusing or assaulting the dog;

(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) The dog was responding to pain or injury.

(b) If deemed dangerous, the administrator, or his or her designee, or the director shall order:

(1) The dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control

Fund,

(2) the dog to be spayed or neutered within seven (7) business 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; or

(b) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

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

(d) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods. (510 ILCS 5/15.2)

(e) All owners or keepers of dogs found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous dog on the premises. Such sign shall be least eight and one-half (8 1/2) inches by eleven (11) inches in size, and shall contain in words and pictures, a clear indication that a dangerous dog is on the premises.

(f) The owner of a dog deemed dangerous shall supply a certificate of insurance naming the host agency in the amount of \$100,000 and has to keep the insurance as long as the person owns the dog. If the owner allows the insurance to lapse, the dog will be impounded.

(g) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry guard, or police-owned dogs are exempted from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with division 2 of this article. It shall be the duty of the owner of such exempted dog to notify the administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(g) The administrator, the state's attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the people of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the

court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

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

**3.4 Dangerous dog; appeal.**

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

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the director may, within fourteen (14) days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the department of agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the county wherein the person resides, or in the case of a corporation, the county where its registered office is located. The administrator review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the department hereunder.

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

**3.5 Violations; penalties.**

Any person found guilty of a violation of section 3.1(c), 3.2(a), or of section 3.3(b) subsection (1-3), (c), or (d) in a court of law shall pay a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). A penalty under this section shall be in addition to and not in lieu of any action taken under section 3.2(b), or section 3.3(g).

State law references: Authority, counties, 55 ILCS 5/5-1071.1; source, animals, 510 ILCS 5/15.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.



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Pam Warford  
Jersey County Clerk

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Donald R. Little  
Chairman, Jersey County Board



