

**MACOUPIN COUNTY BOARD**  
**ORDINANCE No. \_\_\_\_\_**

**An Ordinance Amending the Macoupin County Animal Control Ordinance**

**WHEREAS**, the Macoupin County Board originally adopted Ordinance 2007-01 which established an Animal Control Ordinance and later amended the Ordinance with Ordinance 2008-03; and

**WHEREAS**, since 2008, the Animal Control Administrator and Department have reviewed fee structures, comparing with the structures of surrounding counties; and

**WHEREAS**, the Animal Control Committee of the County Board recommends updating the fee structure and other changes as necessary within the ordinance to allow for the reclamation of fines and fees in accordance with necessary increases and substantive amendments to the Ordinance noted below; therefore

**BE IT ORDAINED** by the County Board that the Macoupin County Animal Control Ordinance shall be amended as following below:

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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.
- (2) To promote the welfare of animals;
  - a. By adhering to the state humane care for animals act;
  - b. By educational programs about responsible pet ownership; and
  - c. By the humane care and maintenance of impounded animals.

### **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.

*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 anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury

*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, 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:* means 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. Such enclosure must be approved by the administrator.

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

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

**State law references:** Similar provisions, 510 ILCS 5/2.12.

*Humanely dispatched:* means 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:* means 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:* means an animal that has not been spayed or neutered.

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

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

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

*Straying* means 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:* means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

*Wild animal:* means 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.

(Ord. of 2-1-07)

**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.

(Ord. of 2-1-07)

#### 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.

(Ord. of 2-1-07)

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

#### 1.6 Animals running at large.

(a) Any dog or cat found running at large (*being off its owner's or custodian's property*) contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter.

(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 or a dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a competent person.
- (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~~ **\$50** for first violation, ~~\$50~~ **\$100** for second violation occurring within any 12-month period and ~~\$100.00~~ **\$200.00** 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 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;

#### 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 prior to disposal of the animal, 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 five 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:

(1) The owner shall present proof of current rabies inoculation and registration; or

(2) The owner shall pay for the rabies inoculation and registration fee;

(3) The owner shall pay the pound for the 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 for the first offense, \$50 for the second offense, and \$100 for the third time and each successive time.

(5) The owner shall pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; this fine will be returned if it's the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 7 days.

(6) The owner will pay for the dog or cat to be microchipped (~~not to exceed \$15 a~~ **minimum of \$30** per animal, if done by the county) and registration if not already done.

(Ord. of 3-1-07)

**State law references:** Impoundment and redemption of dogs, 510 ILCS 5/9-5/11.

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

(a) When not redeemed by the owner, agent, or caretaker *upon expiration of 7 days from the date of impoundment, except Sunday and holidays*, 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, an unclaimed dog or cat 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.

(b) The animal control facility or 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 services 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 pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the County Animal Control Fund. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and existing laws. No animal shelter or animal control facility shall 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 Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Department



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 Section or that fails to report its intake and euthanasia statistics each year. **State law references:** Similar provisions, 510 ILCS 5/11.

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

For the purpose of making inspections hereunder, the administrator, or his/her authorized representative, or any officer of the law may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious 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.

(Ord. of 3-1-07)

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

### **1.10 Harboring stray animal(s) restricted.**

No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or any of his/her representatives within 48 hours.

### **1.11 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.

(Ord. of 3-1-07)

### **1.12 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 cat.

(Ord. of 3-1-07)

### **1.13 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 county officer 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.  
(Ord. of 3-1-07)

#### **1.14 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.

(Ord. of 3-1-07)

#### **1.15 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.

(Ord. of 3-1-07)

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

#### **1.16 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.

(Ord. of 3-1-07)

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

### **1.17 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.

(Ord. of 3-1-07)

## **DIVISION II. RABIES CONTROL**

### **2.1 Inoculation of dogs and cats.**

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

(b) The veterinarian administering the vaccine shall cause the certificate of inoculation 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 or cat 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 or cat that is not vaccinated for rabies, will be issued a written warning and will be given 7 days to get the dog or cat vaccinated for rabies. If owner doesn't comply, the owner will be issued a \$50 ticket and dog or cat will be impounded.

(Ord. of 3-1-07)

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

## **2.2 Inoculation tags.**

(a) The owner of a dog or cat shall, within ten (10) days after such dog or cat has been inoculated against rabies, procure an inoculation tag from the county. The cost of the tag shall be determined and set by the county board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animals in transit or until the dog or cat owner has established residence in this county.

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

(Ord. of 3-1-07)

## **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.

(Ord. of 3-1-07)

**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 days after notice.

(g) Any dog or cat 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~~ a **minimum of \$30** fee. If owner doesn't comply, the dog or cat will be impounded and owner charged for the impoundment fee, any boarding fees, and the microchip fee.

(Ord. of 3-1-07)

**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.

(Ord. of 2-1-07)

## **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, ten dollars (\$10.00) for each animal which is neutered or spayed;

(2) For an annual registration, twenty-five dollars (\$25.00) 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.

(Ord. of 3-1-07)

## **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 and give the report to the States Attorney Office and the owner.. The Administrator, States Attorney, or any citizen of the county in which the dog exist may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a board certified veterinarian or another recognized expert may be relevant to the court's determination of whether the dog's behavior is justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The administrator will determine where the animal shall be confined during the pendency of the case.

(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 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) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be declared "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.

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

(c) 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.

(d) 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.

(Ord. of 3-1-07) **State law references:** Similar provisions, 510 ILCS 5/15.

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

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

If a dog is found to be a vicious dog, the owner shall pay a \$100 \$150 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog will not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

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

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

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

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

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

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

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization. **State law references:** Similar provisions, 510 ILCS5/15.

### **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; 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 or assaulting the dog; 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.

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 pursuant to the provisions of this section.

(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~~ \$100 public safety fine to be deposited into the Pet Population Control Fund,
- (2) the dog to be spayed or neutered within seven (7) days at the owner's expense and microchipped, if not already, and
- (3) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
  - (a) evaluation of the dog by a certified 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 on public premise 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) 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.

(e) 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.

(f) 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 or animal control officer has the right to impound a dangerous dog if the owner fails to comply with the requirements of this section.(Ord. of 3-01-07) **State law references:** Similar provisions, 510 ILCS 5/15.1.

### **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.

(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.

(Ord. of 3-01-07)**State law references:** Similar provisions, 510 ILCS 5/15.3.

### **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, **unless otherwise stated in this chapter**, a fine of not less than **fifty five hundred** dollars ~~(\$50.00)~~ **(\$500)**, ~~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).

(Ord. of 3-1-07)

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

## **DIVISION 4. PREVENTION OF CRUELTY TO ANIMALS**

### **4.1 Humane care of animals.**

No owner shall fail to provide his/her animal(s) with:

- (1) Sufficient, nutritious food.
  - (2) Fresh, clean water at all times.
  - (3) A shelter which has four sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.
  - (4) Regular and sufficient veterinary care to prevent suffering and maintain health.
- (Ord. of 3-1-07)

### **4.2 Abandonment of animal unlawful.**

It shall be unlawful for any person to abandon any animal within the county.

(Ord. of 3-1-07)

### **4.3 Acts of cruelty to animals prohibited.**

Unless justifiable in defense of person or property, no person shall:

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

(Ord. of 3-1-07)

### **4.4 Impoundment of victimized animals; owner's appeal.**

(a) In the event that the administrator, animal control officer, or any law enforcement officer finds a domestic companion animal(s) to be a victim of cruelty, neglect, or abandonment as defined by sections with animal cruelty, he/she shall have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified herein does not relieve the owner of liability for violations and for any accrued charges.

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

- (1) Said animal was abandoned;
- (2) Said animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather, or veterinary care to prevent suffering; or
- (3) Said animal was a victim of an act cited in section 4.3 and 4.5.

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

(d) Any owner convicted of aggravated cruelty charges, or any of the cruelty listed in section 4.3 (4), will not be allowed to own or reside in a household where there are any animal(s) as long as they live in the county.

(e) Any one that violates this section (d) will be prosecuted and the animal(s) will be impounded. (Ord. of 3-1-07)

**State law references:** Authority, 510 ILCS 70/10.

#### **4.5 Animals for use in entertainment.**

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

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

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

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

(Ord. of 3-1-07)

#### **4.6 Seizure and disposition of animals and other items illegally used in entertainment.**

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

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

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

(1) Any animal(s) forfeited under this section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling county ordinances, or provisions of state law.

(2) Any money forfeited under this section shall be forfeited to the county treasury.

(3) Any other items forfeited under this section shall be sold at a public auction to the highest bidder for cash, and the proceeds paid to the county treasury.

(4) No equipment used for training, fighting, or killing the animals will be sold at auction, it shall be retained and made available for use in training peace officers in detecting and identifying violations of Animals used in entertainment.

(Ord. of 2-1-07)

#### **4.7 Diseased and injured animals.**

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

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

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

(Ord. of 3-1-07)

#### **4.8 Keeping animals other than domesticated pets.**

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

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

#### **4.9 Dead animals prohibited.**

No person shall:

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

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

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

(Ord. of 3-1-07)

#### **4.10 Live animals for research prohibited.**

No live animals in the possession of the animal shelter shall be released, sold, or given to any institution or private firm or individual for the purposes of medical or scientific research. (Ord. of 3-1-07)

#### **4.11 Multiple-pet license.**

- (a) Multiple-pet owners must obtain an annual license from the county upon payment of a fee of ~~\$25.00~~ **\$50.00**. Such license shall be obtained no later than 30 days after assuming ownership of a sixth animal and must be renewed annually by January 1<sup>st</sup>. The annual renewal fee shall be ~~\$10~~ **\$25** if the owner receives an inspection of excellent. Payment by a multiple-pet owner shall not exempt such licensee from payment of county registration fees for each dog or cat owned by him/her.
- (b) Multiple-pet ownership without obtaining such license shall be in violation of law for which, upon conviction thereof, such owner shall be penalized not less than \$50.00 and not more than \$500.00.
- (c) If someone has five or more “breedable females” (dogs or cats) and are selling the offspring and/or the adults, the owner of the animals would need to be licensed with Illinois Department of Agriculture. If the owner has a license with the Department, they would not need a multiple-pet license with the county. The owners will still have to comply with county ordinances in regards to rabies vaccination and registration of the animals. Anyone found in violation of this section would be charged with operating a kennel without a license.

#### **4.12 Multiple pet-owner licensee requirements.**

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

- (1) All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.
- (2) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.
- (3) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:
  - a) Be kept clean, free of feces and urine.
  - b) Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
  - c) Be well ventilated and maintain appropriate temperature (follow USDA guidelines) to prevent suffering.
- (4) If the dogs and/or cats are kept or maintained outside a building;
  - a) A shelter of sufficient size to permit such animal to stand up and turn around inside when fully grown shall be provided at all times
  - b) The shelter shall have four sides, a roof, floor, bedding, and an opening large enough for the animal to enter the shelter. The shelter shall be placed to provide shade from the sun and protection from the weather.

- c) The shelter shall be placed at least ten feet from all property lines except where there is an alley.
  - d) A dog shall be deemed to be housed outside if said dog is outside for more than eight hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. to 7:00 a.m.
- (5) The dogs and/or cats shall be prevented from running at large.
  - (6) The dogs and/or cats shall be prevented from causing a nuisance pursuant to section 1.16 of this act.
  - (7) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.
  - (8) The applicant shall not have been found guilty of more than three violations of the animal control ordinance within the previous three years from the date of application.
  - (9) The owner shall immediately notify the Animal Control Administrator of any change in the animals governed by the multiple pet license including the rabies vaccination and registration required pursuant to this article.

#### **4.13 Revocation of multiple-pet license.**

- (a) Upon conviction of a second violation of the requirements pursuant to this article, the administrator shall revoke the multiple pet license for a period of not less than three months not more than five years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license.
- (b) Upon revocation of the license, the owner shall relinquish ownership of his/her animals to the Administrator.

#### **4.14 Impoundment of multiple pets.**

- (a) The Administrator may impound the dogs and/or cats of any multiple-pet owner if such owner does not hold a multiple-pet license.
- (b) Such animals shall be redeemed by the owner upon payment to the Administrator the lawful fees accrued pursuant to this chapter and after application and approval for a multiple-pet owner license.

#### **4.15 No feral cat colonies are allowed.**

No person shall feed, keep, harbor, permit, or start up any feral cat colonies in the county. The cats will be impounded and euthanized.

#### **4.16 Female dogs and cats in heat.**

Every owner of a female dog or cat shall cause such dog or cat to be confined in a secure enclosure while in heat.

#### **4.17 Responsibility of owner of rental property.**

Owner of rental property who rents to a person who owns an animal that attacks another person or companion animal will be responsible for damages if renter has no insurance to cover the costs of damages.

#### **4.18 Normal husbandry practices--Construction with other laws.**

Nothing in this division affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable

pests. In case of any alleged conflict between this division, and the Wildlife Code of Illinois (520 ILCS 5/1.1 et seq.), or "An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale" (510 ILCS 75/1 et seq.), approved July 26, 1967, as amended, the provisions of those acts shall prevail.  
(Ord. of 3-1-07)

#### **4.19 Violations; penalties.**

Any person found guilty of a violation of this chapter, unless otherwise stated in this chapter, ~~in a court of law~~ shall pay a fine of not less than five hundred dollars (\$500.00), ~~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.

Any person found guilty of a violation of subsection 4.15 and 4.16 shall pay a fine of not less fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00).  
(Ord. of 3-1-07)

**State law references:** Authority, counties, 55 ILCS 5/5-1005.4.

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF MARCH, 2012.**

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**Andrew Manar**  
**Chairman of the Board**  
**Macoupin County**

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**Pete Duncan**  
**County Clerk and Recorder**  
**Macoupin County**

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**Anne Boehm**  
**Treasurer**  
**Macoupin County**

**MACOUPIN COUNTY BOARD**  
**ORDINANCE No. \_\_\_\_\_**

**An Ordinance Concerning Synthetic Alternative Drugs**

**WHEREAS**, the municipal boundaries of Macoupin County have seen the sale and use of synthetic cannabinoids and synthetic stimulants; and

**WHEREAS**, many of the types of synthetic cannabinoids are not banned by the Federal Government; and

**WHEREAS**, law enforcement in Macoupin County has seen detrimental effects caused by the use of synthetic cannabinoids and synthetic stimulants; and

**WHEREAS**, the sale of synthetic cannabinoids has been marketed towards children; and

**WHEREAS**, schools in Macoupin County have reported use of synthetic cannabinoids by their students; therefore

**BE IT ORDAINED** by the County Board of Macoupin County, Illinois as follows:

**1.01 Definition**

As used in this Section, "Synthetic cannabinoid" means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog containing a cannabinoid receptor agonist, such as:

- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole);
- JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone);
- JWH-018 (1-pentyl-3-(1-naphthoyl)indole);
- JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole);
- JWH-073 (naphthalen-1-yl-(1-butylyndol-3-yl)methanone);
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylyndol-3-yl)methanone);
- JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone);
- JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);
- JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylyndol-3-yl)methanone);
- JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone);
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylyndol-3-yl)ethanone);
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylyndol-3-yl)methanone);
- JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole);
- JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole);
- JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole);
- HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol);
- HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol);



- HU-308 (((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol);
- HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);
- CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5-(2-methyloctan-2-yl)phenol);
- CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-methyloctan-2-yl)phenol) and its homologues;
- WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-nephtalenylmethanone);
- RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

"Synthetic stimulant" means any compound which is a federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance which have a stimulant effect on the central nervous system. Upon banning, any of the following substances or substances which contain the described characteristics shall be considered a "synthetic stimulant":

- 3-Fluoromethcathinone;
- 4-Fluoromethcathinone (other name: flephedrone);
- 3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC);
- 3,4-Methylenedioxy-pyrovalerone (other name: MDPV);
- 4-Methylmethcathinon (other names: mephedrone, 4-MMC);
- 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC);
- 4-Ethylmethcathinone (other name: 4-EMC);
- Ethcathinone;
- Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB);
- Naphthylpyrovalerone (other names: naphyrone, NRG-1);
- N,N-dimethylcathinone (other name: metamfepramone);
- Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine) (other name: MDAI);
- Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:
  - in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
  - at the 3-position with an alkyl substituent;
  - at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;
  - or by inclusion of the nitrogen atom in a cyclic structure.

## 1.02 Unlawful Sale or Delivery Synthetic Substances

It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid or synthetic stimulant.

## 1.03 Unlawful Possession of Synthetic Substances

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or synthetic stimulant.

**1.04 Penalty**

Any person seventeen years of age or older found to be in violation of Section 1.02 shall be subject to a fine of not less than five hundred dollars and not more than seven hundred fifty dollars for each violation thereof. Any person under the age of seventeen who violates Section 1.02 shall pay court cost, and in addition to paying the fine, shall complete and not less than twenty hours of community service. Any person seventeen years of age or older who violates Section 1.02 may, in addition to paying the above fine, be sentenced to not more than six months' incarceration. Notwithstanding age, any individual found in violation of Section 1.03 must complete drug counseling.

Any person seventeen years of age or older found to be in violation of Section 1.03 shall be subject to a fine of not less than one hundred dollars and not more than seven hundred fifty dollars for each violation thereof. Any person seventeen years of age or older who violates Section 1.03 may, in addition to paying the above fine, be sentenced to not more than thirty days incarceration. Notwithstanding age any individual found in violation of Section 1.03 must complete drug counseling. Any person under the age of seventeen who violates Section 1.03, in addition to drug counseling shall only pay court cost.

Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new and separate violation.

**1.05 Repeal**

Any County Ordinance inconsistency with the provisions hereof is hereby repealed.

**1.06 Severability**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

ADOPTED and SIGNED this 13<sup>th</sup> day of March, 2012.

Voting Yes: \_\_\_\_\_

Voting No: \_\_\_\_\_

\_\_\_\_\_  
Andrew W. Manar  
Chairman of the Board  
Macoupin County, Illinois

\_\_\_\_\_  
Pete Duncan  
Clerk  
Macoupin County, Illinois