

AN ORDINANCE WITH REGARD TO THE CONTROL OF ANIMALS

Providing for the care, protection, and control of animals in Menard County, Illinois

WHEREAS: It is in the best interest of the residents of Menard County that provision be made for the care, protection, and control of animals in Menard County;

WHEREAS: Any prior Ordinance providing for the care, protection, and control of animals in Menard County, including any amendments thereto, are hereby repealed;

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF MENARD, AS FOLLOWS:

Section 1. Short Title

This Ordinance shall be known and cited as the "Animal Control Ordinance."

Section 2. Intent and Purpose

It is the intent and purpose of the Ordinance to promote responsible pet ownership, to protect animals from neglect and abuse, to protect residents from annoyance, injury and property damage from animals, and to provide for education in the responsible ownership of pets.

Section 3. DEFINITIONS

- A. Administrator – means a veterinarian licensed by the State of Illinois and **as appointed by the Menard County Board of Commissioners**, or his duly authorized representative.
- B. Animal – means any animal other than man, which may be affected by rabies.
- C. Animal Control Facility – means any lot, premises, and/or building maintained by the **County of Menard, Illinois** for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals.
- D. Animal Control Officer – an employee of Menard County Animal Division and/or any law enforcement authority charged with the enforcement of this ordinance.
- E. Board – means the County Board of Menard County as defined by Section 5-1004 of counties code.
- F. Cat – means *Felix Catus*.
- G. Dog – means all members of the family *Canidae*.
- H. Dangerous Animal – means any individual animal 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.
- I. Enclosure – means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious animal within the enclosure, The enclosure shall be securely enclosed and locked at all times 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 approved outside enclosure and the door must be locked.
- J. Feral Cat – means any cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans
- K. Has Been Bitten – means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced and further includes contact of saliva

with any break or abrasion of the skin.

- L. Inoculation Against Rabies – means an injection of an antirabies vaccine approved by the Department of Agriculture of the State of Illinois.
- M. Leash – means 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.
- N. Owner – means 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 an animal to remain on any premises occupied by him or her.
- O. Person – means 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
- P. Pound – means any facility approved by the administrator for the purpose of enforcing this ordinance and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.
- Q. PUBLIC AREA – Any public street, alley, sidewalk, parkway, or easement; and any school, park, recreational, or other public and church properties..
- R. Registration Certificate – means a printed form prescribed by the Department of Agriculture for the purpose of recording pertinent information as required under this ordinance.
- S. Running at Large – means any dog found running at large which is not secured by a leash, or not confined within the real property limits of its owner.
- T. Vicious Animal – means an animal that, without justification, attacks a person and causes serious physical injury or death or any individual animal that has been found to be a “dangerous animal” upon three (3) separate occasions.

Section 4. ADMINISTRATION

It shall be the duties of the Administrator **and** Animal Control Officer(s) to administer and enforce this Ordinance. The Ordinance may be enforced in any Incorporated Village or Town within the County which has an agreement authorizing the County to enforce this Ordinance within the corporate limits of that Village or Town.

Section 5. RULES AND REGULATIONS

In addition to those provisions set forth in Sections 2 through 32, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the “Animal Control Act,” (510 ILCS 5/1). Three (3) copies of any subsequent amendments or revisions shall be on file in the office of the Menard County Clerk.

Section 6. ENFORCEMENT

Actions to recover penalties for violations may be instituted by serving a Notice of Violation upon the owner by the Administrator, his/her designee, an Animal Control Officer, or a law enforcement officer.

Section 7. INTERFERENCE WITH ENFORCEMENT OFFICERS

No persons shall resist or molest the Administrator, his/her designee, law enforcement officers, Animal Control Officer, or other personnel of the **County of Menard, Illinois** while engaged in the discharge of any duty placed upon him or her by any of the provisions of this Ordinance

Section 8. ANIMAL CONTROL PROGRAM

The **Administrator** shall have the responsibility for the operation of the animal control program.

Section 9. ANIMAL CONTROL EMPLOYEES

The Chairman of the Board shall, with the approval of the County Board, appoint the Administrator. The Administrator's salary and all other employees' salaries shall be set by the Menard County Board and incorporated in the annual budget.

Section 10. RABIES INOCULATION TAGS REGISTRATION FEE

The **County** Board shall establish the fees charged for the rabies inoculation tag, registration fees, impoundment fees, and the implementation of the Animal Control Act of the State of Illinois to be adopted by the Board.

- A. Rabies Inoculation Tag. Every owner of an animal four (4) months or more of age shall have each animal VACCINATED against rabies by a licensed veterinarian. Every animal shall have a second rabies vaccination within one (1) year of the first. Terms of subsequent vaccination and duration of immunity must be in accordance with USDA licenses of vaccine used. Licensed veterinarians who administer the rabies vaccine shall procure from the **animal control** department serially numbered tags and inoculation certificates and shall provide the **Administrator** with a copy of each certificate issued. For each tag issued, the veterinary clinic shall be entitled to keep one dollar (\$1.00) of the tag fee.
- B. Registration Fee. The **Administrator** shall collect a registration fee of \$35.00 for an intact animal and \$10.00 for an altered animal, proof of which must be furnished upon registration of said animal. Those animals under the age of one (1) year of age shall be exempt from paying the higher fee in order to allow owners an adequate period of time in which to have their animal spayed or neutered.

All fees collected for registration and rabies inoculation tags should be remitted to the county treasurer, who shall place the monies in an Animal Control fund. \$10.00 of the intact registration fee will be placed in the Menard County Animal Population Control fund which is within the Animal Control Fund.

Section 11. NAME TAGS

All dogs shall wear a collar with a name tag affixed to the collar.

Section 12. EXHIBITION OF CERTIFICATE UPON REQUEST

At any reasonable time upon request of any member of a law enforcement authority, or the Animal Control Division, the owner or keeper of any dog shall exhibit his certificate, issued under the provisions of Section 10 of this Ordinance, showing the inoculation against rabies of any dog owned or controlled by him.

Section 13. POSSESSION OF RUNNING AT LARGE ANIMALS

It shall be unlawful for any person, without knowledge and consent of owner, to retain possession of any running at large animal for more than forty-eight hours without first reporting such possession to the Animal Control Division and providing name, address, a description of the animal, the location of the animal, and a statement of the circumstances under which possession of the animal was obtained.

Section 14. SURRENDER OF ANIMALS

It shall be unlawful for any person who obtains possession of a running at large animal to refuse to surrender such animal to an Animal Control Officer upon request.

Section 15. RUNNING AT LARGE

- A. No animal shall run at large at any time with or without a license tag fastened to its collar. Any animal running at large at any time within the county may be taken up by the Animal Control Officer and placed in a pound designated by the Board.
- B. The Animal Control Officer shall attempt to contact the owner as soon as possible. The Animal Control Officer shall give notice of not less than seven (7) business days to the owner prior to disposal of the animal. Such notice shall be mailed, and/or hand delivered, to the last known address of the owner. Testimony of the Animal Control Officer, or his/her authorized agent who mails such notice shall be evidence of the receipt of such notice to the owner of the animal.
- C. In case the owner of any impounded dog or cat desires to make redemption thereof, they may do so on the following conditions:
 - 1. Present proof of current rabies inoculation and registration, or
 - 2. Pay for the rabies inoculation of the animal and the registration, and
 - 3. Pay the Animal Control Facility at the rate of \$10.00 per day for the period it was impounded
 - 4. Fees for animals being redeemed are:

First Impoundment	\$ 50.00
Second Impoundment	\$ 75.00
Third Impoundment	\$ 100.00
Fourth and Subsequent	\$ 150.00
 - 5. Pay for microchipping and registration if not already done.
- D. \$25.00 of each impoundment fee shall be known as a public safety fine, \$20.00 of which shall be deposited into the Pet Population Control Fund and \$5.00 of which shall be retained by the county or municipality.
- E. Any animal found running at large a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.
- F. Any dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land which the person has obtained permission to hunt or to train the dog.

Section 16. NUISANCE

Any animal which may in any manner continually disturb the quiet of any person or neighborhood, or in any manner injure or attempt to injure any human, animal, plant, shrub, or other property not on the premises of its owner or custodian, is hereby declared to be a nuisance. Such animal may be taken up and impounded and may be redeemed in the manner provided in Section 15.

Section 17. DANGEROUS ANIMAL

- A. In order to have an animal deemed "Dangerous," the Administrator, his/her designee, Animal Control Officer, 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 witness, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the animal is a Dangerous animal and give the report to the States Attorney's Office. The Administrator, or his/her designee, shall determine where the animal shall be confined during the pendency of the case
- B. An animal shall not be declared dangerous if the Administrator, or his/her designee, determines the conduct of the animal 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 animal;
 - 2. The threatened person was tormenting, abusing, assaulting, or physically

- threatening the animal or its offspring;
 - 3. The injured, threatened, or killed companion animal was attacking or threatening to attack the animal or its offspring; or
 - 4. The animal was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- C. The Administrator, or his/her designee, may order a dangerous animal to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- D. 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 animal shall be currently inoculated against rabies in accordance with this Ordinance. It shall be the duty of the owner of such exempted dog to notify the Administrator of their current location and/or any change 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 reported address changes.
- E. The State's Attorney 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 prohibit all persons from owning or maintaining such an animal, and to prohibit 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, may grant a preliminary injunction prohibiting the defendant from maintaining such a 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 may enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely disposed of.

Section 18. DANGEROUS ANIMAL; LEASH

It is unlawful for any person to permit any dangerous animal to leave the premises of its owner when not under control by leash or other recognized control method.

Section 19. DANGEROUS ANIMAL; APPEAL

- A. The owner of an animal found to be a dangerous animal pursuant to this Ordinance by the Administrator may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture.
- B. The owner of an animal found to be a Dangerous animal may file a complaint in the Circuit Court within 35 days of receipt of notification of the determination, for a de novo hearing on that determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. The final order of the Circuit Court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.
- 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 Animal Control Officer.
- D. Within thirty (30) days after the final order has been entered, the owner may petition the Circuit Court to reverse the designation of dangerous animal.

Section 20. VICIOUS ANIMAL

In order to have an animal deemed "Vicious," the Administrator, his/her designee, Animal Control Officer, 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 witness, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the animal is a Vicious animal and give the report to the States Attorney's Office. The Administrator, or his/her designee, shall determine where the animal shall be confined during the pendency of the case.

A dog shall not be declared vicious if the court determines the conduct of the animal 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 animal, or upon the property of the owner of custodian of the animal;
2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the animal or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the animal or its offspring; or
3. The animal was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No animal shall be deemed "vicious" if it is a professionally trained animal for law enforcement or guard duties. Vicious animals shall be classified in a manner that is specific to breed for adoption purposes. If the burden of proof is met, the court shall deem the animal to be a vicious animal.

Section 21. VICIOUS ANIMAL – CONFINEMENT, CONTROL, IMPOUNDMENT

- A. If an animal is found to be a vicious animal, the animal shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. An animal found to be vicious shall not be released to the owner until the Administrator, his/her designee, or an Animal Control Officer approves the enclosure. No owner or custodian of a vicious animal shall sell or give away the animal without court approval. Whenever an owner of a vicious animal relocates, he or she shall notify both the Administrator of the county Animal Control where he/she has relocated and the Administrator of the County Animal Control where he/she formerly resided.
- B. It shall be unlawful for any person to keep or maintain any animal which has been found to be a vicious animal unless the animal is kept in an enclosure. The only times that a vicious animal may be allowed out of the enclosure are:
 1. if it is necessary for the owner of keeper to obtain veterinary care for the animal;
 2. in the case of an emergency or natural disaster where the animal's life is threatened, or
 3. to comply with the order of a court of competent jurisdiction, provided that the animal is securely muzzled and restrained with a leash not to exceed six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the animal or muzzled in its residence.
- C. Any animal which has been found to be a vicious animal and which is not confined to an enclosure shall be impounded by the Administrator having jurisdiction in such area. If the owner of the animal has not appealed the impoundment order to the Circuit Court in the county in which the animal was impounded within fifteen (15) working days, the animal 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.
- D. 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 this Ordinance. It shall be the duty of the current 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 animals, and shall promptly notify such departments of any reported address changes.

Section 22. DISPOSAL OF DANGEROUS ANIMALS

Members of the Menard County Sheriff's Department are authorized to kill any dangerous or vicious animal when it is judged by them as necessary for the immediate protection of persons or property. The classification of dangerous or vicious animal may be judged by the Menard County Sheriff's Department or the Animal Control Officer. Such animals may also be rendered helpless by tranquilizing.

Section 23. ANIMAL BITES

The Administrator, his/her designee, or Animal Control Officers shall investigate all bites by dogs and other animals. In the event a non-inoculated animal bites a person, said animal shall be quarantined at the Menard County Animal Control Facility for a period of ten (10) days. Inoculated animals may be quarantined in the home of the owner if, after inspection by the Animal Control Officer or Administrator, the facilities are deemed satisfactory for confinement.

Section 24. INHUMANE TREATMENT

No persons shall cruelly treat, inhumanely kill, or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed any animal by beating, torturing, tormenting, mutilating or starving, or overworking either his own or another person's animal.

Section 25. DEAD ANIMALS

- A. The owner or keeper of an animal shall be responsible for the disposal of such animal's remains on its death, from whatever cause, and regardless of the location of the remains of such animal.
- B. Animal remains shall be disposed of:
 - 1. By burial beneath at least 18 inches of compacted soil on the property of the animal's owner or keeper or any other location, with the express permission of the owner of the property;
 - 2. By cremation in a licensed crematorium;
 - 3. By or through the Menard County Animal Control Facility; or
 - 4. By or through a licensed veterinarian.
- C. Any Animal Control Officer may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as prescribed herein. Such person shall have 24 hours from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at his usual place of residence with some person of the family, of the age of 13 years or older and informing that person of the contents thereof.
- D. The Menard County Animal Control may dispose of any animal remains without notice to the owners or keeper when:
 - 1. Such remains are located on a public roadway;
 - 2. The remains bear no owner identification tags;
 - 3. The remains are located on the property of a person other than the owner or keeper; or
 - 4. Service of a notice on the owner or keeper is refused or not readily possible within a short time.
- E. In any case where a disposal notice is required, in accordance with subsection C above, on failure of a person served a notice to properly dispose of such remains within the time allowed, the remains may be disposed of by employees of the county and all cost of such removal shall be paid by the owner or keeper of the dead animal to the county, the fee for such disposal shall be \$50.00 per hour, one hour minimum. After one hour, then to be billed in ½ hour increments. Should more than one Animal Control Officer be needed, the cost will be per officer.

Section 26. NOTICE OF IMPOUNDMENT

When any animal has been impounded at the Menard County Animal Control Facility, the Administrator, or his/her designee, shall attempt to give notice to the owner at the owner's last known place of residence.

Section 27. REDEMPTION OF ANIMALS

The owner of any impounded animal may redeem such animal upon compliance with the following conditions as set forth in Section 15C and 15D;

- A. Presenting proof of current registration and inoculation of the animal; or
- B. Obtaining and paying for the registration and inoculation of the animal, if required;
- C. Payment for all expenses incurred during the impoundment, apprehension, or confinement.
- D. UNCLAIMED OWNED ANIMALS – The owner of the animal from impoundment, apprehension, or confinement who fails to claim such animal is responsible for all expenses incurred, when proof of ownership is established by the Menard County Animal Control Department.

Owner is liable for cost of impoundment when an animal is impounded for the following reasons:

- A. Failure to provide sufficient quantity of good quality, wholesome, food and water.
- B. Failure to provide shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary constituents of its own body.
- C. Failure to provide veterinary care when needed to prevent suffering.
- D. Failure to provide humane care and treatment.
- E. Failure to redeem any impounded animal whose ownership can be proven by the Animal Control Department.
- F. Left unattended inside vehicles when the outdoor temperatures are dangerous to the animals health.
- G. Abandonment. No animal, whether healthy, old, maimed, infirm, sick, or disabled, shall be abandoned on the owner's property by knowingly withholding daily care; and no animal may be abandoned off the owner's premises where it may suffer injury, hunger or exposure, or become a public charge.

Section 28. DISPOSAL OF ANIMALS IN CUSTODY

Any animal that has bitten a human being and cannot be confined by its owner, if known, or by Animal Control Officers, may be destroyed by any law enforcement or Animal Control Officer. Any animal impounded under the provisions of the chapter, which has not bitten a person shall, unless sooner redeemed, be held for a period of at least seven (7) days, including Saturdays, Sundays and holidays, if the owner of said animal is known or unknown. The Administrator, or his/her designee, may dispose of an impounded animal not redeemed, by either:

- A. Placing the animal in an adoptive home; or
- B. Placing the animal with a Rescue Organization; or
- C. Destroying the animal in a humane manner.

Section 29. AUTHORITY TO IMPOUND STRAYING ANIMALS AND TO ENTER ONTO PRIVATE PROPERTY

For the purpose of making inspections hereunder, the Administrator, his/her designee, an Animal Control Officer, or any law enforcement officer may enter upon real property to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after the request therefore, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act.

Section 30. ISSUANCE OF CITATIONS TO PERSONS IN VIOLATION

- A. Menard County Animal Control Officers and law enforcement officers of Menard County are authorized to issue citations on a reasonable belief that any person has violated any provision of this Ordinance. Violations of this ordinance shall be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- B. Citations shall be issued personally to the violator, left with a responsible family member of at least 13 years of age at the home of the violator, or mailed to the residence of the violator.
- C. Persons issuing citations shall ensure that a copy of the citation is filed at the Menard County Circuit Clerk's office on the same day that the citation is issued or as soon as practical after issuance of such citation.
- D. In lieu of service of a Notice to Appear to answer charges of violation of this Ordinance, the Menard County Sheriff's Department or the Menard County Animal Control may serve a citation on anyone who is accused of violation of this Ordinance. Such citation shall allow the person served the opportunity to pay:
 - 1. \$50.00 for the first offense, \$75.00 for the second offense, \$100.00 for the third offense, or \$150.00 for the fourth offense for a nuisance or disturbance of an animal;
 - 2. \$100.00 for the first offense, \$200.00 for the second offense, or \$300.00 for the third offense for a dangerous animal;
 - 3. \$150.00 for the first offense, \$250.00 for the second offense, or \$350.00 for the third offense for a vicious animal.

Section 31. ADDITIONAL VIOLATION

Any violation of the Animal Control Act of the State of Illinois, as amended from time to time, shall be deemed a violation of this Ordinance, including but not limited to the requirements relating to dog and other animal bites.

Section 32. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance of the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance or the application of such sections, paragraph, clause, or provisions to persons or circumstances other than those to which it is held invalid shall not be affected hereby.

This ordinance shall be in full force and effective from March 10, 2009, after its passage, approval and publication as provided by law.

ADOPTED by the Menard County Board of Commissioners of the 10th day of March, 2009.

Ayes 5
Nays 0


Chairman, Menard County Board of Commissioners

ATTEST:


Menard County Clerk