

STATE of ILLINOIS)
) SS

ORDINANCE PROVIDING FOR
ANIMAL CONTROL IN
MONTGOMERY COUNTY, ILLINOIS

COUNTY of MONTGOMERY)
NO. _____

This Ordinance shall be known and referred to as the MONTGOMERY COUNTY ANIMAL CONTROL ORDINANCE.

WHEREAS, the Montgomery County Board has determined that it is in the best interest of Montgomery County that an Ordinance be established providing for animal control in concurrence with the State of Illinois Animal Control Act; the Humane Care for Animals Act, and the Animal Welfare Act; and

WHEREAS, Illinois Compiled Statutes, Chapter 55, Para, 5/5-1071 gives the County the power to regulate and prohibit the running at large of dogs in certain areas of the County; and

WHEREAS, Illinois Compiled Statutes, Chapter 510, Para, 5/1 et seq. required the County to effectuate a program for stray animal control and rabies prevention and through Public Act 094-0639 the spaying, neutering and sterilization of dogs and cats; and

WHEREAS, the Montgomery County Board desires to establish an Animal Control Program and adopt by Ordinance the provisions of an Animal Control Act for the State of Illinois set forth in Chapter 510, Section 5/1 et seq. of the 1992 Illinois Compiled Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Montgomery County Board as follows:

1. That provisions of the Animal Control Act set forth in Chapter 510, Section 5/1 et seq. of the 1992 Illinois Compiled Statutes, and the Humane Care for Animals Act set forth in Chapter 510 ILCS Section 70/1 et seq. and the Animal Welfare Act, Chapter 225, Section 605/1 et seq. as now exists or as may be amended from time to time hereafter are hereby adopted by the Montgomery County Board and incorporated herein by reference thereto.

Revisions of the Animal Control Ordinance Approved and Adopted this ____, Day of _____ 2016

ATTEST:

Roy Hertel, Montgomery County Board Chairman

Sandy Leitheiser, Montgomery County Clerk & Recorder

WHITE = State Statutes

YELLOW = Added

Breeders Section was Deleted

GREEN = Revised State/Current Ord.

PINK = Current Ordinance

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Definitions

As used in this Act, unless the context otherwise requires, the terms specified in the Sections following this Section and preceding Section 3 have the meanings ascribed to them in those Sections. (510 ILCS 5/2)

Administrator – means 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. (510 ILCS5/2.01)

Altered means for a female having had the ovaries and uterus surgically removed; and for a male having had the testicles surgically removed.

Animal means every living creature, other than man, which may be affected by rabies. (510 ILCS 5/2.02)

Animal Control Facility means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. “Animal control facility” also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes. (225 ILCS 605/2)

Animal Control Warden means any person appointed by the Administrator to perform the duties set forth in this Act. (510 ILCS 5/2.03)

At Large means off the owner’s property and not under the control of the owner, or competent person, either by leash, chain, or other means of restraint.

Attack means any action by an animal which places a person or companion animal in reasonable apprehension of immediate bodily harm.

Bite means the act of an animal seizing flesh with its teeth so as to tear, pierce, or otherwise injure the flesh.

Board – means the county board in each county, as defined by Section 5-1004 of the Counties Code. (510 ILCS 5/2.04)

Business Day means any day including holidays that the animal control facility is open to the public for animal reclaims. (510 ILCS 5/2.03a)

Breeder means any person owning/using dogs or cats for breeding purposes.

Cat means *Felis catus*. (510 ILCS 5/2.04a)

Companion Animal means an animal that is commonly considered to be, or is considered by the owner to be, a pet. “Companion animal” includes, but is not limited to, canines, felines, and equines. (510 ILCS 70/2.01a)

Companion Animal Hoarder means a person who (i) possesses a large number of companion animals; (ii) fails to or is unable to provide what he or she is required to provide under Section 3 of this Act; (iii) keeps the companion animals in a severely overcrowded environment; and (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion

animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

(510 ILCS 70/2.10)

Competent Person means a human being over the age of eighteen years that is capable of controlling and governing the companion animal in question, and to whose command the companion animal is obedient.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public. (510 ILCS 5/2.05)

Control means any animal that is either secured by a leash or within the property of its owner, or confined within a cage or crate, or confined within a vehicle, or on the property of another person with the consent of that property owner.

County Animal Control Administrator means 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, a non-veterinarian may serve as County Animal Control County Animal Control Administrator under this Act. In the event the County Animal Control Administrator is not a veterinarian, the County Animal Control Administrator shall defer to the veterinarian regarding all medical decisions. (510 ILCS 5/2.01)

Dangerous Dog means

- (i) 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.

(510 ILCS 5/2.05a)

Department means the Department of Agriculture of the State of Illinois. (510 ILCS 5/2.06)

Deputy Administrator means a veterinarian licensed by the State of Illinois, appointed by the Administrator. (510 ILCS 5/2.07)

Dog means all members of the family Canidae. (510 ILCS 5/2.11)

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 dangerous dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the dangerous dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the 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 dangerous dog may be allowed to move about freely within the entire residence if it is muzzled at all times. (510 ILCS 5/2.11a)

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,
- (ii) Is a formerly owned cat that has been abandoned and is no longer socialized, or
- (iii) Lives on a farm

(510 ILCS 5/2.11b)

Female in Heat means any female dog that is in estrous or a period of reproductive fertility so as to be attractive to male dogs.

Guard Dog – means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security. (225 ILCS 605/2)

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. (510 ILCS 5/2.12)

Humanely Euthanized means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that Report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal. (510 ILCS 70/2.09)

Intact Animal means an animal that has not been spayed or neutered. (510 ILCS 5/2.11c)

Impounded means taken into the custody of the public animal control facility in the city, town, or county where the animal is found. (510 ILCS 5/2.12a)

Inoculation Against Rabies means the injection of an anti-rabies vaccine approved by the Department. (510 ILCS 5/2.13)

Kennel Operator - means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator. **A license must be obtained from the Illinois Department of Agriculture.** (225 ILCS 605/2)

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. (510 ILCS 5/2.14)

Licensed Veterinarian means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. (510 ILCS 5/2.15)

Microchip means an implant under the skin of a domestic animal as a means of identification.

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/her care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him/her for (10) days or more. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. **In the event that the owner of an animal is younger than eighteen (18) years old, the parent or guardian of such owner shall be held liable for non-compliance with the provisions of this ordinance.** (510 ILCS 5/2.16)

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. (510 ILCS 5/2.17)

Potentially Dangerous Dog means a dog that is unsupervised and found running at large with 3 or more other dogs. (510 ILCS 5/2.17c)

Pound or Animal Control Facility may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. (510 ILCS 5/2.18)

Physical Injury – means the impairment of physical condition. (510 ILCS 5/2.18a)

Registration Certificate means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act. (510 ILCS 5/2.19)

Registration Tag means serially numbered tag of suitable and durable material furnished by Montgomery County Animal Control.

Restraint means 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 eight (8) feet in length when said line or leash is held by a competent person.
2. When within a vehicle being driven, parked, or stopped; or
3. Confined in a cage, kennel, or other animal carrier.
4. While utilized in the sport of hunting.

Rural means the unincorporated area of the county which has not been subdivided for residential purposes.

Serious Physical Injury means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery. (510 ILCS 5/2.19a)

Shelter means a structure which has four sides with one opening for entry, a roof, floor, and sufficient bedding when the night time temperatures are below 48 degrees. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow for retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.

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 3 separate occasions. (510 ILCS 5/2.19b)

Adoption of State Statute

Montgomery County adopts the Illinois Animal Control Act, Chapter 510, Section 5/1 et seq. of the Illinois Compiled Statutes, as it may be amended from time to time as allowed by said Division.

Montgomery County adopts the Illinois Domestic Animals Running At Large Act, Chapter 510, Section 55/1 et seq. of the Illinois Compiled Statutes, as it may be amended from time to time as allowed by said Division.

SECTION I – COUNTY ANIMAL CONTROL ADMINISTRATOR, COUNTY BOARD, & PERSONNEL

1.1 County Board

- A. The County Board Chairman with the consent of the County Board shall appoint an 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 or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board. (510 ILCS 5/3)
- B. 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 may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program. (510 ILCS 5/3)
- C. The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act. (510 ILCS 5/3)
- D. The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. The Board shall impose an individual dog or cat registration fee with a minimum differential of \$10 for intact dogs or cats. Ten dollars of the differential shall be placed either in a county animal population control fund or in the State's Pet Population Control Fund. If the money is placed in the county animal population control fund, it shall be used to
 - i. Spay, neuter, or sterilize adopted dogs or cats or
 - ii. Spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program.
- E. 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. If microchips are required, the microchip number may serve as the county animal control registration number. (510 ILCS 5/3)
- F. This section does not apply to Feral Cats. (510 ILCS 5/3)

1.2 Duties and Powers

- A. It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. (510 ILCS 5/5)
- B. Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders of violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens,

however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization. (510 ILCS 5/5)

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer and Probation Officer Firearm Training Act. The cost of this training shall be paid by the county. (510 ILCS 5/5)

- C. The Sherriff and all Sherriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act. (510 ILCS 5/5)
- D. The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of this Act. (510 ILCS 5/5)

SECTION II - ANIMAL CONTROL FEES/FINES/CONTRIBUTIONS

- 2.1 All registration fees collected shall be remitted to the County Treasurer, who shall place the monies in an Animal Control Fund. This fund shall be set up by him for the purpose of paying costs of the Animal Control Program. (510 ILCS 5/7)

In any county with a population under 3,000,000, all fees collected shall be used for the purpose of paying claims for loss of livestock or poultry as set forth in Section 19 of this Act and for the following purposes as established by ordinance of the County Board: funds may be utilized by local health departments or county nurse's offices for the purchase of human rabies anti-serum, human vaccine, the cost for administration of the serum or vaccine, minor medical care, and for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs incurred in carrying out the provisions of this Act or any county or municipal ordinance concurred in by the Department relating to animal control, except as set forth is Section 19. All fees, fines, and contributions collected by animal control shall be remitted to the County Treasurer, who shall place the monies in an Animal Control Fund. This fund shall be set up for the purpose of paying costs of the Animal Control Program. (510 ILCS 5/7)

- 2.2 In addition to any other fees provided for under this Act, any county may charge a reasonable fee for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited into the county's animal control fund. (510 ILCS 5/7.1)

SECTION III - RABIES CONTROL

3.1 Inoculation of Dogs and Cats

- a. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian **annually or at such intervals as hereafter may be promulgated by the county.** A veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered upon a certificate, the form of which shall be approved by the County Board, and which shall contain the microchip number of the dog, cat, or ferret if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Only one dog, cat, or ferret shall be included on each

certificate. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies. (510 ILCS 5/8)

- b. Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed by the United States Department of Agriculture. (510 ILCS 5/8)
- c. If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies inoculation requirement, however, the owner is still responsible for the tag fees.
- d. If a bite occurs from an exempt animal, the exempt animal shall be treated as an unvaccinated animal. If the animal is exempt, the animal shall be re-examined by a licensed veterinarian on no less than an annual basis and be vaccinated against rabies as soon as the animal's health permits. (510 ILCS 5/8)
 - i. 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 County Animal Control Administrator or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this Code.
 - ii. Any owner of a dog or cat that is not listed in the County rabies database with a current vaccination and/or registration tag will be issued a citation in the amount of \$50 and will be given 30 days to comply. If compliance is not met within the 30 days a court date and court costs may be assessed.

3.2 Registration 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.
- b. A licensed veterinarian shall 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.

3.3 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, ten dollars (\$10.00) for each animal under 6 months of age.
3. For an annual registration, twenty dollars (\$20.00) for each animal which is not neutered or spayed.
4. For a 3-Year registration, twenty-five dollars (\$25.00) for each animal which is neutered or spayed.
5. For a 3-Year registration, fifty-five dollars (\$55.00) for each animal which is not neutered or spayed.

3.4 Confinement of Animal that has Bitten Someone.

- a. When the County Animal Control Administrator, or if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator, or his/her authorized representative, shall have such dog or other animal

confined under the observation of a licensed veterinarian for a period of not less than ten (10) days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or Deputy Administrator may permit such confinement to be reduced to a period of less than 10 days. (510 ILCS 5/13)

- b. The owner, agent, or caretaker of an animal documented to have bitten a person shall present the animal to a licensed veterinarian within 24 hours. A veterinarian presented with an animal documented to have bitten a person shall make a record of the clinical condition of the animal immediately. At the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, and microchipped, if the dog or cat has not been already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of confinement, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten, and in the case of confined rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal. (510 ILCS 5/13)
- c. When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal. (510 ILCS 5/13)
- d. Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours. (510 ILCS 5/13)
- e. It is unlawful for the owner of the animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is examined and released from confinement by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or licensed veterinarian. It is unlawful for the owner of the animal to refuse or fail to immediately comply with the instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his

or her authorized representative. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine within 30 days after notice. (510 ILCS 5/13)

- f. When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler. (510 ILCS 5/13)
- g. When a person has been bitten by a search and rescue dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any period of observation of the dog may be under the supervision of its handler or owner. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a vehicle, or remaining under the constant supervision of its handler or owner. (510 ILCS 5/13)
- h. Any person convicted of violating subsection (a-20) of this Section is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation is a Class 4 felony. (510 ILCS 5/13)

3.5 Duties of Owners of Rabid or Biting Animals (510 ILCS 5/14)

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

- a. That all dogs or other animals in the locality be:
 - 1. Kept confined within an enclosure, or
 - 2. Kept muzzled and restrained by leash.
- b. That all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies.
- c. Other measures as may be necessary to control the spread of rabies. The Department may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

3.6 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.

3.7 Animal Attacks or Injuries

If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby. (510 ILCS 5/16)

SECTION IV –IMPOUNDMENT AND REDEMPTION OF STRAYING ANIMALS

4.1 Running At Large

Any dog found to be running at large contrary to the 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. 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 contrary to the provisions of this Act 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. (510 ILCS 5/9)

A dog actively engaged in the legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. (510 ILCS 5/9)

4.2 Impoundment

When dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake of each dog or cat. The Administrator shall make every reasonable attempt to contact the owner as defined in Section 2.16, agent, or caretaker as soon as possible. The Administrator shall give notice of not less than seven business days to the owner, agent, or caretaker prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner, agent, or caretaker. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice to the owner, agent, or caretaker of the animal. A mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the Administrator shall also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address, provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization. Prior to transferring the dog or cat to another humane shelter, rescue group or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal control facility may proceed with the adoption, transfer, or euthanization. (510 ILCS 5/810)

4.3 Redemption

In case the owner, agent, or caretaker of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following: (510 ILCS 5/10)

- A. Pay for the rabies inoculation of the dog or cat and registration, if applicable; and
- B. Pay for any medical treatment or inoculations, if applicable; and
- C. Pay the animal control facility a rate of \$5 per day for the period it was impounded;
- D. Pay the \$50 impoundment fine; the fine shall be refunded if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 30 days;
- E. Pay for the microchipping and registration if not already done;

F. If the animal is not currently vaccinated against rabies, a pre-paid vaccination/registration voucher must be purchased upon release of the animal. Vaccination is to be given by the owner's veterinarian of choice at a price designated by that veterinarian. An appointment must be made prior to release of the animal. The registration tag will be issued by Montgomery County Animal Control.

G. If an intact animal has been impounded a second time, a pre-paid spay/neuter voucher must be purchased upon release of the animal. Spay/Neutering is to be done at any of the participating Veterinarians in Montgomery County.

(510 ILCS 5/10)

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act and the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines. (510 ILCS 5/10)

4.4 Animals Not Redeemed

When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dog or cats deemed adoptable by the animal control facility shall be offered up 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. An animal pound or shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. 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. (510 ILCS 5/11)

4.5 Authority to impound straying animals and to enter onto private property.

For the purpose of making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to investigate alleged or suspected violations of this chapter, 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 thereof, 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. (510 ILCS 5/17)

4.6 Montgomery County and enforcement officers not responsible for accident or disease

The administrator or animal control staff or anyone enforcing the provision of this ordinance shall not be held responsible for any accident or disease that may happen to any dog or cat.

SECTION V – DANGEROUS & VICIOUS DOG DETERMINATION

Reference: 510 ILCS 5/15, 5/15.1, 5/15.2, 5/15.3, & 5/15.4

SECTION VI – MISCELLANEOUS

6.1 Municipal Powers

Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed. (510 ILCS 5/24)

6.2 Low-Kill Policy

It is the policy of the Montgomery County Board and the Montgomery County Animal Control Staff that no healthy/adoptable animal be euthanized. Only animals with documented people aggression or animals with untreatable medical conditions which a Veterinarian upon his/her recommendation shall be euthanized.

6.3 Third Party Contracts

Any person who claims ownership through a contract pertaining to purchased animals or co-owned animals may claim impounded animal(s) upon payment in full for all costs incurred in care for those animal(s).

6.4 Feral Cats

Montgomery County Animal Control will not accept any cats that have been trapped or would require trapping.

6.5 Expenses of Microchipping

A clinic for microchipping companion animals of county residents should be conducted at least once a year under the direction of the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator at the animal control facility, animal shelter, or other central location within the county. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the county's animal control fund. (510 ILCS 5/16.5)

6.6 Livestock

Reference: 510 ILCS 5/18, 5/18.1, 5/19, & 5/20

6.7 Penalties (510 ILCS 5/26)

Except as otherwise provided in this Act, any person violating or aiding in or abetting the violation of an provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed in this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his/her possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings

to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

- B. If the owner of a vicious dog subject to enclosure:
1. fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and
 2. the dog inflicts serious physical injury upon any other person or causes the death of another person; and
 3. the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

The owner shall be guilty of a Class 3 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 2 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

- C. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class 4 felony. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 3 felony.

6.8 Liability (510 ILCS 5/35)

- A. Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.
- B. Any veterinarian or animal shelter or animal control facility who in good faith contacts the registered owner, agent, or caretaker of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.
- C. Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.
- D. Any animal shelter or animal control facility worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

6.9 Harboring Stray Animals Prohibited

No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or Animal Control Facility Staff within 48 hours.

6.10 Confinement of Female Dog or Cat in Heat

The owner of any female dog or cat in heat shall confine such animal in a building or secure enclosure away from intact males for the duration of the heat cycle.

6.11 Animal(s) 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. Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
2. Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

The administrator or animal control warden, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections #1 & #2 above and not restrained by a competent person.

SECTION VII – OWNER’S DUTIES (510 ILCS 70/3)

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

1. A sufficient quantity of good quality, wholesome food and water;
2. Adequate shelter and protection from the weather;
3. Sufficient bedding when temperatures are below 48 degrees.
4. Veterinary care when needed to prevent suffering; and
5. Humane care and treatment.

B. To lawfully tether a dog outdoors, an owner must ensure that the dog:

1. Does not suffer from a condition that is known, by that person, to be exacerbated by tethering;
2. Is tethered in a manner that will prevent it from becoming entangled with other tethered dogs;
3. Is not tethered with a lead that (i) exceeds one-eighth of the dog’s body weight or (ii) is a tow chain or a log chain;
4. Is tethered with a lead that measures, when rounded to the nearest whole foot, at least 10 feet in length;
5. Is tethered with a properly fitted harness or collar other than the lead or a pinch, prong, or choke-type collar; and
6. Is not tethered in a manner that will allow it to reach within the property of another person, a public walkway, or a road.

C. Subsection (b) of this Section shall not be construed to prohibit:

1. A person from walking a dog with a hand-held leash;
2. Conduct that is directly related to the cultivating of agricultural products, including shepherding or herding cattle or livestock, if the restraint is reasonably necessary for the safety of the dog;
3. The tethering of a dog while at an organized and lawful animal function, such as hunting, obedience training, performance and conformance events, or law enforcement training, or while in the pursuit of working or competing in those endeavors; or
4. A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, State, or local authority or jurisdiction.

D. A person convicted of violating subsection (a) of this Section is guilty of a Class B misdemeanor. A second or subsequent violation of subsection (a) of this Section is a Class 4 felony with every day that a violation continues constituting a separate offense. In addition to any other penalty provided by law, upon conviction for violating subsection (a) of this Section,

the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

- E. A person convicted of violating subsection (b) of this Section is guilty of a Class B misdemeanor.
- H. As used in this Section, “tether” means to restrain by tying to an object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line at a person’s residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line.

SECTION VIII – CRUELTY (510 ILCS 70/3.01)

8.1 Abandonment of Animal Unlawful

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

8.2 Cruel Treatment SIMILAR PROVISIONS (510 ILCS 70/3.01)

- A. Unless justifiable in defense of person or property, no person shall:
1. No person or owner may beat, cruelly treat, torment, starve, neglect, overwork, or otherwise abuse any animal.
 2. Kill, wound, or attempt to kill or wound, or poison any domestic animal.
 3. Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State of Illinois.
 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. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure.

A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

8.3 Aggravated Cruelty (510 ILCS 70/3.02)

- A. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture unless prohibited under subsection (b).

- B. No individual, except a licensed veterinarian as exempted under Section 3.09, may knowingly or intentionally euthanize or authorize the euthanasia of a companion animal by use of carbon monoxide.
- C. A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

8.4 Animal Torture (510 ILCS 70/3.03)

- A. A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal. For purposes of this Section, and subject to subsection (b), "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.
- B. For the purposes of this Section, "animal torture" does not include any death, harm, or injury caused to any animal by any of the following activities:
 - i. any hunting, fishing, trapping, or other activity allowed under the Wildlife Code, the Wildlife Habitat Management Areas Act, or the Fish and Aquatic Life Code;
 - ii. any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian;
 - iii. any alteration or destruction of any animal by any person for any legitimate purpose, including, but not limited to: castration, culling, declawing, defanging, ear cropping, euthanasia, gelding, grooming, neutering, polling, shearing, shoeing, slaughtering, spaying, tail docking, and vivisection; and
 - iv. any other activity that may be lawfully done to an animal.
- C. A person convicted of violating this Section is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

8.5 Animals for Use in Entertainment

Reference: (510 ILCS 70/4.01 & 70/4.02)

8.6 Confinement in Motor Vehicle (510 ILCS 70/7.1)

No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department of Agriculture investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable

means under the circumstances after making a reasonable effort to locate the owner or person.

A person convicted of violating this section is guilty of a Class C misdemeanor. A second or subsequent violation is a Class B misdemeanor.

SECTION IX – ENFORCEMENT AND CITATIONS

- 9.1 It shall be the duty of Montgomery County Animal Control, and other persons so authorized by the County, by contract or otherwise, to investigate violations of this Ordinance and to enforce the provisions of this Ordinance. Such enforcement shall include the issuance of warnings, the issuance of citations, taking and impounding animals in violation thereof, and any other means necessary to enforce and effectuate the purposes of this Ordinance.
- 9.2 No person shall in any way interfere, attempt to interfere, or cause another person or animal to interfere to attempt to interfere or with any authorized person engaged in the performance of his or her duties under this Ordinance.

SECTION X – RECKLESS DOG OWNER

A. Reckless Dog Owner means anyone who:

1. Has committed three or more violations of this chapter relating to dogs within a three year period.
2. Has committed one or more violations of this chapter relating to dogs after having a dog owned by him or her declared dangerous or potentially dangerous;
3. Has committed one or more violations of this chapter relating to dogs after having a dog owned by him or her declared to be dangerous.

In relation to reckless dog owners only, violation means:

- a. A conviction, including a judicial or administrative finding of guilt, for any of the offenses under this chapter relating to dogs;
- b. A guilty plea, whether entered in judicial or administrative proceedings, to any of the offenses under this chapter relating to dogs;
- c. Any impoundment of any dog for a violation of this chapter
4. Multiple offenses on the same day at the same time for the same dog will count as one violation.
5. The violations need not involve the same dog.

B. Reckless Dog Owners – Declaration

1. The Animal Control County Animal Control Administrator may submit documentation to a court of law to find and declare a person a reckless dog owner. Proceedings shall be instituted by service of a Notice of Reckless Dog Owner.
2. The Notice of Reckless Dog Owner shall be in writing and shall be served on the owner in one of the following methods.
 1. Certified and regular mail to the owner's last known address;
3. The Notice of Reckless Dog Owner shall contain:
 1. Name and address of owner who is subject to the declaration;
 2. Names, descriptions, microchip and rabies registration numbers of any pets licensed to the owner;
 3. Brief descriptions of the violations which form the basis of the declaration, including case numbers, if any;

4. A summary of the effects of the declaration, requirements for confinement or impoundment of dogs, and the potential penalties for violation of the restrictions;
 5. A complete description of the appeal process, including notification of the availability of a hearing if the request for hearing is made within ten days of the date of personal service or mailing.
4. A person who is declared a reckless dog owner is prohibited from registering or owning any dog in the County for a period of 3 years from the date of the Notice of Reckless Dog Owner, unless an appeal is filed with the Animal Control County Animal Control Administrator within ten days of the date of personal service or mailing, in accordance with Section 5-5.1 of this chapter. The reckless dog owner shall surrender all dogs to an animal control officer or police officer upon demand of the officer.
 5. Failure to timely file an appeal pursuant to this section will be considered as an admission of recklessness by the dog owner.
 6. In the event that any provision of this section is in conflict with a court order issued pursuant to Section 5-33, the court order shall control.

C. Impoundment of dogs owned by reckless dog owners

1. Upon service of a Notice or Reckless Dog Owner, the person declared to be a reckless dog owner shall relinquish all dogs and/or cats that he or she owns to the animal control facility or, upon approval of the Animal Control County Animal Control Administrator, make arrangements for other accommodations for the dogs. The Animal Control County Animal Control Administrator may order that such dogs be impounded and held at the animal facility or a secure veterinary hospital until the disposition of such dogs is determined, including without limitation, transfer, adoption, or euthanasia. The owner shall immediately surrender the dogs to an animal control officer, sheriff's deputy, or police officer upon the order of such law enforcement official. Refusal by any person declared to be a reckless owner to surrender a dog owned by such person to an animal control officer, sheriff's deputy, or a police officer is an offense that upon conviction carries a fine of not less than five hundred dollars (\$500.00) and not more than the maximum prescribed under Section 1-10 of this Code.
2. During the pendency of an appeal, the dogs owned by a person declared to be a reckless dog owner may be ordered impounded if the Animal Control County Animal Control Administrator determines that impoundment is in the interests of public safety or pendency of an appeal, the Animal Control County Animal Control Administrator may order the dogs confined. The owner shall comply with all the requirements imposed by the Animal Control County Animal Control Administrator. Failure to comply with any requirement shall be considered a violation. It is a separate violation for each dog and each day of non-compliance.
3. In the event that any provision of this section is in conflict with a court order issued pursuant to Section 5-33, the court order shall control.

D. Hearing Procedure - Declaration of reckless dog owner

In the event of a properly filed appeal, a hearing shall be conducted by the Animal Review Board in accordance with Section 5-5.1, and the following additional standards.

1. The Animal Control County Animal Control Administrator shall bear the burden of proving by a preponderance of the evidence that the owner is a reckless dog owner as defined in this chapter.
2. A finding of guilt, a guilty plea, or payment of fines, either in administrative or judicial proceedings, is prima facie evidence that a violation occurred and no additional

evidence is necessary to prove that violation. A violation also may be proven through the testimony of witnesses, photographs, or other evidence presented to the Animal Review Board.

3. If the court of law finds that the owner is a reckless dog owner, as defined in this chapter, it shall affirm the County Animal Control Administrator's decision and
 - a. Declare the owner a reckless dog owner,
 - b. Impose a fine of not less than \$250 nor more than \$1,000,
 - c. Order that all dogs in the owner's possession be impounded by the Animal Control County Animal Control Administrator. Upon such a finding, the Animal Review Board shall also order that the owner is prohibited from owning any dog in the County for a period of 3 years. Any dogs impounded under these circumstances may not be returned to any person residing at the same address as the reckless dog owner.
 - d. The Animal Control County Animal Control Administrator shall have the authority to determine the disposition of all dogs impounded from reckless dog owner including, without limitation, transfer, adoption, or euthanasia.
 - e. In the event that any provision of this section is in conflict with a court order issued pursuant to Section 5-33, the court order shall control.

E. Possessing, harboring, or owning animal by reckless dog owner

It is an offense for any person who is a reckless dog owner as defined in this chapter to possess, harbor, own, have custody of, or reside in a residence with any dog in the County while a Notice of Reckless Owner is in effect, except during the period an appeal of a Notice of Reckless Owner is pending. In the event that any provision of this section is in conflict with a court order issued pursuant to Section 5-33, the court order shall control.

SECTION XI – VIOLATIONS AND PENALTIES

11.1 Any person found guilty of a violation of this chapter shall be subject to a minimum \$50 fine, unless otherwise stated in a court of law.

Passed this _____ Day of _____, 2017

Roy Hertel, Board Chairman

Sandy Leitheiser, County Clerk/Recorder