

ORDINANCE 2019/2020 #002

WOODFORD COUNTY ANIMAL CONTROL ORDINANCE

An Ordinance relating to stray animal control; rabies prevention; dogs wounding or killing domestic animals; the liability of a person owning or harboring a dog which attacks or injures a person; providing penalties for violations thereof; and to repeal all prior and existing Animal Control Acts or Ordinances for Woodford County, Illinois.

SECTION 1. This Ordinance shall be known and may be cited as the Woodford County Animal Control Ordinance.

DEFINITIONS

SECTION 2. As used in this Ordinance, unless the context otherwise requires, the terms specified in Sections 2.01 through 2.31 have the meanings ascribed to them in those Sections.

SECTION 2.01. “Animal Control Administrator” means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or 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 Deputy Administrator regarding all medical decisions.

SECTION 2.02. “Deputy Administrator” means a veterinarian licensed by the State of Illinois, appointed by the Animal Control Administrator or the Woodford County Board.

SECTION 2.03. “Animal Control Warden” means any person appointed by the Animal Control Administrator and approved by the Woodford County Board to perform duties as assigned by Woodford County to effectuate this Act.

SECTION 2.04. “Licensed veterinarian” means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

SECTION 2.05. “County” means Woodford County, Illinois.

SECTION 2.06. “Board” means the County Board in Woodford, as defined by Section 5-1004 of the Counties Code.

SECTION 2.07. “Department” means Illinois Department of Agriculture.

SECTION 2.08. “Director” means the Director of the Department of Agriculture.

SECTION 2.09. “Animal” means every living creature, other than man, which may be affected by rabies.

SECTION 2.10. “Domestic Animal” means any animal which has been tamed and made fit for human environment as work animal, food source, or pet.

SECTION 2.11. “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.

SECTION 2.12. “Intact animal” means any animal that has not been spayed or neutered.

SECTION 2.13. “Dog” means all members of the family *Canidae*.

SECTION 2.14. “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 companion animal, or (ii) a dog that, without justification bites a person and does not cause serious physical injury.

SECTION 2.15. “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.

SECTION 2.16. “Serious Physical Injury” means a physical injury that creates a substantial risk of death or that caused death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

SECTION 2.17. “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.

SECTION 2.18. “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.

SECTION 2.19. “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.

SECTION 2.20. “Enclosure” means any 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 dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious 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

vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

SECTION 2.21. "Fund" means Animal Control Fund.

SECTION 2.22. "Fee" means Pet Population Control Fee.

SECTION 2.23. "Inoculation against rabies" means the injection of an anti-rabies vaccine approved by the Department.

SECTION 2.24. "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.

SECTION 2.25. "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 a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

SECTION 2.26. "Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

SECTION 2.27. "Dog Breeder" means a person who sells, offers to sell, exchanges or offers for adoption with or without charge, dogs that he/she 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 dog breeder.

SECTION 2.28. "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.

SECTION 2.29. "Animal Shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. An organization that does not own its own building that maintains animals solely in foster homes or other licensees is an "animal shelter" for purposes of this Act. Animal Shelter 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.

SECTION 2.30. “Cat” means a small domesticated carnivore, *Felis domestica* or *F. catus*, bred in a number of varieties.

SECTION 2.31. “Feral Cat” means an un-owned domestic cat that lives outdoors and avoids human contact: it does not allow itself to be handled or touched, and usually remains hidden from humans.

DUTIES AND POWERS

SECTION 3. BOARD DUTIES.

The Woodford County Board Chairman, with the consent of the County Board, shall appoint an Animal Control Administrator. Such appointments shall be made as necessary to keep this position filled at all times. The Animal Control Administrator may appoint as many Deputy Administrators to aid him as authorized by the Board and the Animal Control Administrator may appoint as many Animal Control Wardens to aid him as authorized by the Board. The compensation for the Animal Control Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board for services other than for the rabies inoculation of dogs or other animals. The Animal Control Administrator, Deputy Administrators, and Animal Control Wardens may be removed from office by the County Board Chairman, with the consent of the County Board.

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.

The Board shall be empowered to utilize monies from the Animal Control Fund to effectuate the intent of the Ordinance. The Board may utilize monies from the General Corporate Fund to effectuate the intent of the Ordinance, should the monies in the Animal Control Fund be depleted.

SECTION 4. REGISTRATION; WOODFORD COUNTY ANIMAL POPULATION CONTROL FUND.

All dogs within the County shall be registered. The fee for registration shall be as follows:

For dogs that are intact:	\$22.00 for 1 year
	\$40.00 for 3 years

For dogs that have been spayed or neutered:	\$12.00 for 1 year
	\$30.00 for 3 years

Licensed kennels will pay fees that are one half of all those stated above for either sterilized or not sterilized dogs. Fees will be waived on working dogs for persons who are legally blind or hearing impaired, medically impaired or those persons who are over the age of 65 years who have an annual income of less than \$15,000.00. Those persons over 65 who qualify for the exemption must sign an affidavit of income.

Ten dollars of the differential between intact dogs and spayed or neutered dogs shall be placed into the Woodford County Animal Population Control Fund. Funds from the Woodford County Animal Population Control Fund shall be used to spay, neuter, or otherwise sterilize dogs and cats that are either (i) adopted by County residents from a licensed animal control facility or licensed shelter, or (ii) owned by low income residents of the County. Proof of adoption from an animal control facility or shelter must be exhibited to the Administrator or an employee within the Animal Control Office in order to receive assistance from the Woodford County Animal Population Control Fund. Low income residents are those County residents eligible for the Food Stamp Program or Social Security Disability Benefits Program, and proof of such status must be shown to the Administrator or an employee within the Animal Control Office to their satisfaction. Proof of residency in the County is also required for both (i) and (ii) above. Vouchers will be issued for paying or neutering to cover up to \$150 for dogs and up to \$90 for cats.

SECTION 5. MICRO-CHIPPING.

All dogs within the County shall be micro-chipped if impounded for any violation of this Ordinance or any state statute. Cost of micro-chipping shall be the sole responsibility of the owner of the dog.

A clinic for micro-chipping companion animals of county residents shall be held at least one time a year under the discretion of the Animal Control Administrator at the animal control facility, animal shelter, or other central location within Woodford County. The maximum that can be charged for micro-chipping an animal at the above stated clinic shall be \$15.00. Funds generated from this clinic shall be deposited in the county's animal control fund.

SECTION 6. SALES OF DOGS; REGISTRIES OF DOGS.

All persons selling dogs or keeping registries of dogs shall cooperate and provide information to the Administrator, including sales, number of litters, ownership of dogs, names and addresses of customers when a sale actually takes place, and the date and location of the sale.

SECTION 7. DUTIES OF ANIMAL CONTROL ADMINISTRATOR.

It shall be the duty of the Animal Control Administrator, through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary to control and prevent the spread of rabies in this county. It shall also be the duty of the Animal Control Administrator to investigate and substantiate all claims made under Section 24 of this Act. The following duties are expected by the Board, but are not intended to be an exhaustive list of responsibilities:

- (i) Supervise the County's animal control program, including stray animal control and impoundment of biting dogs, and follow state statutes under

- the Illinois Animal Control Act (510 ILCS 5/1, *et seq.*) and the Illinois Humane Care for Animals Act (510 ILCS 70/1, *et seq.*).
- (ii) Supervise enforcement of Intergovernmental Agreements between the County and local municipalities for animal control.
 - (iii) Humanely treat dogs, cats, and other companion animals that come under the care of the County by providing adequate food, water, and shelter.
 - (iv) Euthanize animals by acceptable and common practices recognized by veterinarians throughout the state of Illinois.
 - (v) Educate the residents of the County of Woodford regarding responsible pet ownership, programs offered by the Woodford County Animal Control Ordinance, and local and state laws regarding pet ownership.
 - (vi) Recommend changes in ordinances and state law to the Public Safety Committee of the Board.
 - (vii) Work with the Public Safety Committee regarding personnel matters.
 - (viii) Issue citations and orders for violations of the Illinois Animal Control Act, the Illinois Humane Care for Animals Act where allowed by such Acts, and also for violations of the Woodford County Animal Control Ordinance.

SECTION 8. DUTIES OF ANIMAL CONTROL WARDEN/OFFICER

It shall be the duty of the Animal Control Warden/Officer(s) to do the following (this is not an exhaustive list):

- (i) Respond to complaints of animal abuse, animals running at large, and other similar offenses and create written reports of any suspected illegal activity from such complaints.
- (ii) Impound dogs running at large in violation of this Woodford County Animal Control Ordinance.
- (iii) Issue citations for violations of the Woodford County Animal Control Ordinance and other state laws as they pertain to animals.
- (iv) Investigate dog bites and make appropriate reports to the Administrator, and if needed, the State's Attorney for civil or criminal action.
- (v) Follow the commands of the Administrator and Board.

SECTION 9. DISBURSEMENT OF FEES COLLECTED.

All registration fees collected shall be remitted to the Animal Control Fund, while the Circuit Clerk shall distribute fines and costs in accordance to statute and Supreme Court Rules. The Animal Control Fund shall be set up by the Treasurer for the purpose of paying costs of the Animal Control Program.

RABIES INOCULATION

SECTION 10. RABIES INOCULATION.

a. Every owner of a dog four months of age and older shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on the certificate which shall be signed by the licensed veterinarian administering the vaccine and shall contain the microchip number of the animal if it has one. Only one dog shall be included in each certificate. The veterinarian immunizing or micro-chipping an animal shall provide the Animal Control Office with a certificate of immunization and microchip number.

b. Every owner of a cat that is a companion animal and is 4 months of age and older shall have each cat inoculated against rabies by a licensed veterinarian. Every cat that is a companion animal shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on the certificate which shall be signed by the licensed veterinarian administering the vaccine and shall contain the microchip number of the animal if it has one. Only one cat shall be included in each certificate. The veterinarian immunizing or micro-chipping an animal shall provide the Animal Control Office with a certificate of immunization and microchip number.

This subsection (b) does not apply to feral cats; however, if a feral cat is presented to a licensed veterinarian for sterilization, the feral cat shall be inoculated against rabies, unless the person presenting the feral cat for care provides an inoculation certificate showing that the feral cat has been inoculated against rabies, and the cost of the inoculation shall be paid by the person presenting the feral cat to a licensed veterinarian for care.

c. The Board shall also cause a rabies inoculation tag to be issued, at a fee to be established, one to be issued with each inoculation certificate.

Every owner of a dog required to be inoculated or registered under this Act shall notify the Animal Control Office within 30 days after such dog dies, such dog is no longer owned by such owner, or such owner no longer resides in Woodford County.

Rabies vaccine for use on animals shall be sold or distributed only to and used by licensed veterinarians. Such rabies vaccines shall be licensed by the United States Department of Agriculture.

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 shot requirement.

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.

VIOLATIONS AND IMPOUNDMENT

SECTION 11. CITATIONS.

Citations issued for violations of this Ordinance shall require court appearances except when the defendant chooses to plead guilty, has been charged with failure to register a dog, failure to inoculate a dog, or failure to report change of ownership or address, and the defendant has paid a \$50.00 fine for the first offense, \$100.00 fine for the second offense, and a \$200.00 fine for the third offense (these fines are per dog) to the Circuit Clerk for each such offense within thirty days of the issuance of the citation. In all other situations, a court appearance shall be required.

When a citation is issued that does not require a court appearance and the defendant fails to pay or otherwise appear within thirty days, the court shall enter a default judgment against the defendant, assess a fine of \$50.00 fine for the first offense, \$100.00 fine for the second offense, and a \$200.00 fine for the third offense (these fines are per dog), plus court costs, and set a date not less than 21 days nor more than 45 days away for payment of all fines and costs, and the Circuit Clerk shall notify the defendant of the amount and date due.

Failure of a defendant to pay a fine as directed by the court shall subject the defendant to charges of contempt of court.

SECTION 12. IMPOUNDMENT.

Any dog found to be in violation of this Ordinance may be apprehended and impounded. For this purpose, the Animal Control Administrator shall utilize any existing or available public pound, animal control facility or licensed animal shelter. The dog's owner shall pay an additional \$25.00 public safety fine, which shall be deposited into the County Animal Control Fund.

When dogs are apprehended and impounded, they must be scanned for the presence of a microchip. The Animal Control Administrator or Animal Control Warden shall make every reasonable attempt to contact the owner as soon as possible. The Animal Control Administrator or Animal Control Warden shall give notice of not less than 7 business days (Mon-Fri except holidays) to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. The affidavit or testimony of the Animal Control Administrator, or his authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal. In case the owner of any impounded dog desires to make redemption thereof, he or she may do so by doing the following:

- a. Presenting proof of current rabies inoculation and registration, or paying for the rabies inoculation of the dog and registration; and
- b. Paying the pound, animal control facility or licensed shelter for the board of the dog for the period of time that the animal was impounded; and
- c. Paying a \$25.00 impoundment fee as a penalty for the first offense and \$35.00 for each subsequent occasion, which reclamation fee shall be paid into the Animal Control Fund.

- d. Paying an additional \$50.00 reclamation fee for each occasion said dog was apprehended running at large to be deposited to the Animal Control Fund. The fine shall be waived if it is the dog's first impoundment and the owner has the animal spayed or neutered within 14 days.

SECTION 13. RUNNING AT LARGE.

No owner shall cause, allow, or permit his/her dog to run at large in areas of the County of Woodford that are subdivided for residential purposes. A dog found running at large contrary to the provisions of this Ordinance 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. If the dog is impounded for failure to comply with this paragraph within 30 days as stated, the dog shall not be released until the owner pays for the spaying or neutering of the dog.

The provisions of paragraph 1 of this Section shall not apply to dogs being used in hunting, field trials and dog shows while on public lands set aside for those purposes, while on the private property of others with the actual, implied customary or constructive consent of the owner of such private premises, or while on Federal, State, Municipal or County roads or highways, in rural areas, while going to or coming from a hunting field, trial or dog show site. Nor shall the provisions or prohibitions in paragraph 1 of this Section apply to bloodhounds or other dogs used for tracking in conjunction with police activities, nor to dogs of the Canine Corps of any municipal police force, the Illinois Highway Patrol, any Federal law enforcement agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.

SECTION 14. FAILURE TO REDEEM.

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 or chip purchaser, if the purchaser was a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office, must be notified. After contact has been made or attempted, dogs deemed adoptable by the animal control facility shall be offered for adoption or made available to a licensed animal shelter or rescue group. The animal may be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An Animal Control facility or animal shelter shall not adopt or release any dog or cat to anyone other than the owner or a foster home unless the animal has been rendered incapable of reproduction and micro-chipped. This Act shall not prevent humane societies or animal shelters from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed by the Department of Agriculture or is a representative of a not-for-profit out-of-state organization, animal shelter, or animal control facility. 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 as required by law each year.

SECTION 15. DUTY TO REPORT SIGNS OF RABIES.

The owner of any dog or other animal which exhibits clinical signs of rabies, whether or not such dog or other animal has been inoculated against rabies shall immediately notify the Animal Control Office, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Animal Control Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Animal Control Administrator.

SECTION 16. DUTY TO REPORT BITE.

The owner of a biting animal must remit a \$25 public safety fine to be deposited into the Animal Control Fund. It is unlawful for any person having knowledge that any person has been bitten by an animal to refuse to notify the Animal Control Administrator within 24 hours. It is unlawful for the owner of such dog or other animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Animal Control Administrator, or his authorized representative. It is unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Animal Control Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Animal Control Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this Section shall be borne by the owner. For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail.

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 the peace officer. The supervision shall consist of the dog being locked in kennel, performing its official duties in a police vehicle, or remaining under constant supervision of its police handler.

SECTION 17. VICIOUS DOGS.

In order to have a dog deemed "vicious" the Animal Control Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's office and the owner. The Animal Control Administrator, State's Attorney, Director, or any other citizen of the County in which the dog exists may file a complaint in the circuit

court in the name of the People of the State of Illinois to deem a dog to be vicious. Testimony of a behaviorist or other recognized expert may be relevant to the court's determination of whether the dog's behavior justifies the designation. The petitioner must prove the animal is a vicious dog by clear and convincing evidence. The Animal Control Administrator shall determine whether the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal; or

(2) the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or

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

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed. If the burden of proof has been met, the court shall deem the dog to be a vicious dog. If the dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the County Animal Control Fund, the dog shall be spayed or neutered within 10 days of finding at the expense of its owner and micro chipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Administrator or Animal Control Warden approves the enclosure. No owner or keeper of a vicious dog sells or gives away the dog without approval from the Animal Control Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she relocated and the Administrator of County Animal Control where he or she formerly resided.

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

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

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

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

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

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

If the court orders the posting of a security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

SECTION 18. DANGEROUS DOGS.

After thorough investigation including: sending, within 10 business days of the Animal Control Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Animal Control Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; making a detailed written report, an animal control warden, deputy administrator or law enforcement agent may ask the Animal Control Administrator, or his or her designee, to deem a dog to be “dangerous”. No dog shall be deemed a “dangerous dog” unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the

determination by registered or certified mail that includes a complete description of the appeal process.

A dog shall not be declared dangerous if the Animal Control Administrator, or his or her designee, determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) the threatened person was abusing, assaulting, or physically threatening to attack the dog or its offspring;

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

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

Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

If deemed dangerous, the Animal Control Administrator, or his or her designee, shall order (i) the dog's owner to pay \$50 public safety fine to be deposited into the County Animal Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and micro-chipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public;

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with the evaluations and training order under this subsection; or

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

(3) muzzling whenever the animal 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.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 10 of this Ordinance and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Animal Control Administrator of change of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Administrator advised of the location where such dog will be stationed. The Animal Control Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act.

SECTION 19. PENALTIES.

Except as otherwise provided in this Ordinance, any person violating or aiding or abetting the violation of a provision of this Ordinance shall be guilty of a petty offense and shall be fined not less than \$25.00 nor more than \$200.00. For a subsequent offense this person is guilty of a Class C Misdemeanor. Any person counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing, or impeding the Animal Control Administrator or any authorized officer in enforcing this Ordinance, or refusing to produce for inoculation any dog in his 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 the 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. The State's Attorney shall cause the appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

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 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 where such person may lawfully be, the owner shall be guilty of a Class 4 Felony. If 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 3 Felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

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 A Misdemeanor. 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 4 Felony.

SECTION 20. ENFORCEMENT.

For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, the Animal Control Administrator or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a vicious or dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request thereof, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of the Ordinance.

SECTION 21. DISTURBING THE PEACE/NOISY ANIMALS.

It shall be unlawful for any person to keep or harbor an animal that disturbs the peace by barking, howling, crying, or making any distressing or loud or unusual noise that disturbs the peace or quiet of any place or person continuously during the daylight hours for a period of one hour or more, or during the evening hours for a period of twenty

minutes or more in the unincorporated areas of the County. Disturbing of any person or place by such animal shall be declared a public nuisance. A dog shall not be impounded solely for a violation of this Section 21, however, a fine may be imposed at the rate of \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense.

SECTION 22. ANIMALS DEFECATING ON PUBLIC/PRIVATE PROPERTY.

It shall be unlawful for any owner to permit an animal to defecate on public property unless the owner immediately cleans up after the animal. Public property is any property that is wholly or in part supported with State of Illinois funds.

It shall be unlawful to permit an animal to defecate on private property of another person unless the owner immediately cleans up after the animal.

Fines for such violation are at the rate of \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense.

EFFECTS ON OTHER ANIMALS

SECTION 23. KILLING OF DOG INJURING OTHER DOMESTIC ANIMALS.

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

SECTION 24. REIMBURSEMENT OF OWNER OF DOMESTIC ANIMALS KILLED BY DOG.

Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of the Ordinance upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided he is a resident of this State and such injury or killing is reported to the Animal Control Warden within 24 hours after such injury or killing occurs, and he shall have appeared before a member of the County Board of the county in which such killing or injury occurred and made affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. Members of the County Board are authorized to administer oaths in such cases.

The damages referred to in this Section shall be substantiated by the Animal Control Administrator through prompt investigation and by not less than 2 witnesses. The member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The member of the Board shall file a written report with the County Treasurer as to the right of an owner of sheep, goats, cattle, horses, mules, swine, or poultry to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The damages allowable for grade animals or poultry shall not exceed the following amounts: for goats killed or injured, \$30 per head; for cattle killed or injured, \$300 per head; for horses or mules killed or injured, \$200 per head; for swine killed or injured, \$50 per head; for turkeys killed or injured, \$5 per head; for sheep killed or injured, \$30 per head; for all poultry, other than turkeys, \$1 per head.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he is entitled. If there is not sufficient money in the portion of the fund set aside as stated in Section 9 to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Ordinance.

SECTION 25. PAYMENT TO OWNER OF DOMESTIC ANIMALS NO BAR TO FURTHER ACTION.

The payment to any owner of sheep, goats, cattle, horses, mules, swine or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog committing such injury or causing such loss for the recovery of damages thereof. The Court or jury, before which such action is tried shall ascertain from evidence what portion, if any, of the damages sought to be in case the plaintiff in such action recovers damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there shall be, shall be entered in the name of the plaintiff in such action to his own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages by the County Treasurer, then the judgment shall be entered as aforesaid, for the use of the Animal Control Fund, for the full amount of such recovery. Writs of execution issued upon such judgment shall show on their face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

LIMITATIONS OF THIS ACT

SECTION 26. 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, policy or ordinance is specific to breed.

SECTION 27. The invalidity of any Section or parts of any Section of this Ordinance or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Ordinance, or any rule or regulation.

APPROVED AND ADOPTED BY THE WOODFORD COUNTY BOARD, THIS
_____ DAY OF _____, A.D. 2020.

Chairman, Woodford County Board

(SEAL) County Clerk