

**COUNTY OF UNION,
ILLINOIS**

ANIMAL CONTROL ORDINANCE

WHEREAS, pursuant to the Illinois Animal Control Act, 510 ILCS 5/1 *et seq.*, a county may prohibit animals from running at large and may further control and regulate dogs, cats or other animals provided that no regulation or ordinance is specific to breed; and

WHEREAS, pursuant to 55 ILCS 5/5-1005 a county may take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals; and

WHEREAS, the County of Union, Illinois has previously adopted ordinances and resolutions regarding animal control; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois finds that the health, safety and welfare of the People of the County of Union, Illinois will be fostered and promoted by repealing existing ordinances and resolutions regulating animal control and adopting this Animal Control Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, ILLINOIS, AS FOLLOWS:

SECTION 1: All ordinances and resolutions, or parts thereof, in conflict with this Animal Control Ordinance are hereby repealed.

SECTION 2: The Code of Ordinances of the County of Union, Illinois is hereby amended by adding the following Chapter:

ARTICLE 1

LEGISLATIVE PURPOSE

1-1 This Chapter shall be liberally construed, to the end that health, safety and welfare of the People of the County of Union, Illinois shall be fostered and promoted.

ARTICLE 2

DEFINITIONS

2-1 **Definitions.** For the purposes of this Chapter, the following terms shall be given these definitions:

- (a) Act means the Illinois Animal Control Act, 510 ILCS 5/1 *et seq.*, and any regulations promulgated thereunder.
- (b) Administrator means a veterinarian licensed by the State and appointed pursuant to this Chapter, or in the event a veterinarian cannot be found and appointed pursuant to this Chapter, a non-veterinarian may serve as Administrator under this Chapter. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions.
- (c) Animal means any animal other than man, which may be affected by rabies.
- (d) Animal Control Warden means any person hired by the Administrator to perform the duties assigned to that person by the Act, this Chapter, or the Administrator.
- (e) Board means the Board of Commissioners of the County.
- (f) Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.
- (g) Code means the Code of Ordinances of the County of Union, Illinois.
- (h) County means the County of Union, Illinois.
- (i) Dangerous animal means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile.
- (j) Dangerous Dog means a dangerous dog as defined in the Act.
- (k) Department means the Department of Agriculture of the State.
- (l) Deputy Administrator means a veterinarian licensed by the State, appointed by the Administrator and approved by the Board.
- (m) Dog means all members of the family Canidae.
- (n) 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.
- (o) Inoculation Against Rabies means the injection of an anti-rabies vaccine approved by the Department.

- (p) 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.
- (q) Licensed Veterinarian means a veterinarian licensed by and in good standing with the State.
- (r) Owner means any person having the right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.
- (s) Person means any person, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, the State, a municipal corporation or political subdivision of the State, or any other business unit.
- (t) Registration Certificate means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under the Act or this Chapter.
- (u) Running At Large means a dog allowed, suffered or permitted by its owner, or any other person, to roam, run or wander upon any public way, public property or public place or upon the private premises of any person other than the premises of the owner or keeper of such dog when such dog is not under control by leash or other recognized control methods. A dog that is actively engaged in a 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. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.
- (v) Sheriff means the Sheriff of the County.
- (w) State means the State of Illinois.
- (x) Stray Animal means any animal not on the premises of the owner or keeper or under the control by leash or other recognized control methods, and which does not, at that time and place, bear either (i) a current rabies inoculation tag issued pursuant to the provisions of this Chapter, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or (ii) some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner and keeper thereof.
- (y) Treasurer means the Treasurer of the County.

ARTICLE 3

ADMINISTRATION

 3-1 **Reserved.**

 3-2 **Duties and Powers.**

- (a) The Administrator shall perform all duties prescribed the Act, the Code, this Chapter, any rules and regulations adopted pursuant to the Act or this Chapter and any other law of the State.
- (b) The Administrator shall administer the Animal Control Program.
- (c) The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him as authorized by the Board. Such appointments shall be approved by a majority of the County Board.
- (d) The Administrator, Deputy Administrators and Animal Control Wardens may issue and serve citations and orders for violations of this Chapter, the Act and the Humane Care for Animals Act.
- (e) The Administrator shall, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, control and prevent the spread of rabies and to exercise dog and cat overpopulation control.
- (f) The Administrator, Deputy Administrators and Animal Control Wardens may use tranquilizer guns and other non-lethal weapons and equipment to enforce the Act or this Chapter.
- (g) The Administrator, Deputy Administrators and Animal Control Wardens may carry firearms with written approval of the Sheriff and the Chairman of the County Board; provided, however such firearms may only be carried for the purpose of enforcing this Chapter and the Act. Any person carrying a firearm pursuant to this Section must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the County.
- (h) The Administrator shall investigate and substantiate all claims made under Section 19 of this Act.
- (i) The Administrator, Deputy Administrators 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 the Humane Care for Animals Act.
- (j) The Administrator shall report to the Board as requested by the Board.

 3-3 **Compensation.** The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board pursuant to the annual budget of the County.

3-4 **Police Cooperation.** The Sheriff, Sheriff's deputies and municipal police officers shall cooperate with the Administrator and his representatives in carrying out the provisions of the Act and this Chapter.

3-5 **Animal Control Fund.**

- (a) The Treasurer shall establish an Animal Control Fund.
- (b) All fines and fees collected pursuant to the Act and this Chapter shall be deposited in the Animal Control Fund.
- (c) All fines and fees deposited in the Animal Control Fund shall be used for the following purposes:
 - (1) paying for the costs of the Animal Control Program; and
 - (2) paying claims for loss of livestock or poultry as set forth in Section 19 of the Act; and
 - (3) paying the cost of stray dog control and impoundment; and
 - (4) paying the cost of education on animal control and rabies; and
 - (5) paying other costs incurred in carrying out the provisions of the Act and this Chapter.
- (d) Any fines and fees deposited into the Animal Control Fund shall, pursuant to intergovernmental agreement, be applied so as to offset a portion the annual contributions of all governmental entities participating, pursuant to intergovernmental agreement, in the Union County Animal Control Program.

ARTICLE 4

REGULATIONS

4-1 **Inoculation Against Rabies; Tag Required.**

- (a) Every owner of a dog four (4) months or more of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian at such intervals which have been required by the Department and the Act.
- (b) The fee for a rabies inoculation tag, as required by Section 8 of the Act, shall be seven dollars (\$7.00) for a one year tag and fourteen dollars (\$14.00) for a three year tag.
- (c) It shall be unlawful for any person to make or produce a counterfeit or forged rabies tag.
- (d) It shall be unlawful for any person to possess a counterfeit or forged rabies tag knowing such rabies tag to be counterfeit or forged or under such circumstances as would reasonably induce him to believe the rabies tag was counterfeit or forged.

4-2 Collar or Harness Required.

- (a) Every dog which is required to be inoculated against rabies under the provision of the Act or this Chapter, shall be provided by its owner or keeper with a collar or harness made of leather, metal, or other substantial material to which the owner or keeper shall cause a current rabies vaccination tag to be securely attached.
- (b) Every owner of a dog under four months of age shall have a tag specifying the owner's name, address and telephone number attached to a collar or harness which shall be worn by the dog at all times.
- (c) Any collar or harness required by this Section shall be worn by such dog at all times, except when such dog is confined to an enclosed area.

4-3 Running At Large.

- (a) It shall be unlawful for any person who is the owner or keeper of a dog to allow or permit such dog to run at large on any public way, public property or public place or upon the private premises of any person other than the premises of the owner or keeper of such dog.
- (b) Any dog found running at large shall be apprehended and impounded.
- (c) A dog found running at large contrary to the provisions of this Section a second or subsequent time must be spayed or neutered within thirty (30) days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

4-4 Humane Treatment.

- (a) It shall be unlawful for any person owning, keeping, having in his possession or harboring any animal to fail to provide the following to each of his animals:
 - (1) sufficient quantity of good quality, wholesome food and water;
 - or
 - (2) adequate shelter and protection from the weather; or
 - (3) veterinary care when needed to prevent suffering; or
 - (4) humane care and treatment.
- (b) 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 or peace officer who has probable cause to believe that this Subsection (b) 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 other person responsible.

4-5 Other Offenses.

- (a) *Barking dog.* It shall be unlawful for any person to own, keep, have in his possession or harbor any dog which, by frequent whining, yelping, barking, howling or other excessive noise which can be heard beyond the boundary or the premises of real property belonging to such person with such volume and frequency as to be a public nuisance or disturb the peace.
- (b) *Accumulation of animal waste.* It shall be unlawful for any person owning, keeping, having in his possession or harboring any animal to allow or permit the unreasonable accumulation of excrement, urine, blood, vomit, or other animal waste so as to be a public nuisance or be dangerous to the health of human beings or animals.
- (c) *Removal of excrement.* It shall be unlawful for any person owning, keeping, having in his possession or harboring any animal to allow or permit such animal to defecate upon a public way, upon public property or upon the property of another, unless such person immediately removes any excrement deposited by such animal.
- (d) *Animal odors.* It shall be unlawful for any person owning, keeping, having in his possession or harboring any animal to allow or permit such animal to cause any odors offensive to a reasonable person residing in the vicinity, potentially dangerous to health, or creating any other public nuisance.
- (e) *Abandonment of Animal.* It shall be unlawful for any person to dump or abandon any animal.
- (f) *Dangerous Dog; Leash Required.* It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash.

4-6 Impoundment. The Administrator, Deputy Administrators, Animal Control Wardens and any peace officer may apprehend and impound the following animals:

- (a) Dogs which have bitten a person;
- (b) Dogs four months or more of age which have not been inoculated against rabies by a licensed veterinarian;
- (c) Dogs four months or more of age not on the premises of their owner and which do not have current, valid rabies inoculation tag attached to their collar or harness;
- (d) Dogs under four months of age not on the premises of their owner and which do not have an identification tag specifying the owner's name, address and telephone number attached to their collar or harness.
- (e) Dogs wearing a current valid rabies inoculation tag or identification tag which are not on the premises occupied by the dog's owner and are not accompanied or supervised by the owner and are not on a leash when a written complaint has been received by the Animal Control Wardens.
- (f) Any stray animal.

- (g) Any animal found in such condition or circumstances which pose or create a danger to the animal's health or well being which pose or create a danger the health or well being of any person or the public.
- (h) Any animal found in such condition or circumstances that would constitute a violation of the Act or this Chapter.

4-7 Apprehension or Impoundment of Dangerous Animal. Where any animal is subject to apprehension or impoundment pursuant to the Act or this Chapter, and the capture of such animal threatens the safety of the Administrator, Deputy Administrators, Animal Control Wardens or any peace officer, or where such animal endangers the safety of any person, such animal may be destroyed by the Administrator, Deputy Administrators, Animal Control Wardens or any peace officer.

4-8 Redemption of Impounded Animals. In case the owner of any impounded animal desires to make redemption thereof, he or she may do so by doing the following:

- (a) Paying for the rabies inoculation of the dog or cat and registration, if applicable; and
- (b) Paying a boarding fee of, pursuant to Section 10(c) of the Act, for the period the animal was impounded at a rate of eight dollars (\$8.00) per day; and
- (c) Paying an additional impoundment fee of twenty five dollars (\$25.00) pursuant to Section 10(d) of the Act; and
- (d) Paying a twenty five dollar (\$25.00) public safety fine to be deposited into the Pet Population Control Fund; provided, however, such fine shall be waived if it is the animal's first impoundment and the owner has the animal spayed or neutered within fourteen (14) days; and
- (e) complying with all requirements of the Act regarding redemption of impounded animals.

4-9 Bites.

- (a) Any person having knowledge that any person has been bitten by an animal shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator.
- (b) It is unlawful for the owner of any animal which has bitten a person to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative.
- (c) It is unlawful for the owner of any animal which has bitten a person to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. Any violation of this Subsection (c) shall result in immediate impoundment of such animal.

4-10 Dangerous Animals.

- (a) No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure.
- (b) It is no defense to a violation of this Section that the person violating such Section has attempted to domesticate the dangerous animal.

4-11 Inspections. For the purpose of carrying out the provisions of this Chapter and making inspections hereunder, the Administrator, Deputy Administrators, Animal Control Wardens or any peace officer may enter upon private premises to apprehend a stray animal, a dangerous dog or any other animal thought to be infected with rabies or to investigate any other suspect violation of the Act or this Chapter. If, after request therefore, the owner of such animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Chapter and such animal may be immediately impounded.

4-12 Adoption of State Law by Reference. Each and every part of the Act is incorporated into this Chapter by reference and made a part of this Chapter. A violation of any provision of the Act shall be a violation of this Chapter and shall be subject to penalties as set forth in this Chapter.

ARTICLE 5

DOMESTIC ANIMAL KILLED OR INJURED

5-1 Reimbursement. The reimbursement schedule for any claims under Section 19 of the Act shall be as follows:

- (a) Goats: Thirty Dollars (\$30.00) per head.
- (b) Cattle, six (6) months or older: Three Hundred Dollars (\$300.00) per head.
- (c) Calves, less than six (6) months of age: One Hundred Fifty Dollars (\$150.00) per head.
- (d) Horses: Two Hundred Dollars (\$200.00) per head.
- (e) Mules: Two Hundred Dollars (\$200.00) per head.
- (f) Swine: Fifty Dollars (\$50.00) per head.
- (g) Turkeys: Five Dollars (\$5.00) per head.
- (h) Sheep: Thirty Dollars (\$30.00) per head.
- (i) Poultry, other than Turkeys: One Dollar (\$1.00) per head.

The maximum amounts hereinabove set forth may be increased fifty percent (50%) for animals for which the owner can present a certificate of registry of the appropriate breed association or organization.

ARTICLE 6

VIOLATIONS AND PENALTIES

-6-1 Penalties. In addition to any other penalties imposed by this Chapter, any person who violates any provision of this Chapter shall be guilty of a petty offense and fined not more than one thousand dollars (\$1,000.00).

-6-2 Separate Offenses. Each day a violation of this Chapter is continued constitutes a separate offense.

-6-3 Abatement. Any violation of this Chapter which constitutes a public nuisance, when a conviction is had, may, by order of the court before which the conviction is had, be abated by the Administrator, Deputy Administrators, Animal Control Wardens, the Sheriff or other proper officer, at the expense of the defendant.

6-4 Immunity from Damages. Anyone enforcing the provisions of this Chapter shall not be held responsible for any accident or property damages which may occur while in the pursuit of any dog or other animal.

6-5 Validity. The invalidity of any section or parts of any section of this Chapter or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Chapter, or any rule or regulation.

SECTION 3: This Animal Control Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED at a special meeting of the Union County Board of Commissioners this 19 day of July, 2010.

Chairman: Arnell Gault voting yes.

County Commissioner: John Gunn voting YES.

County Commissioner: Donald Berry voting Yes.

Subscribed and Sworn to me this 19 day of July, 2010.

County Clerk: Bobby Tolson Jr.