

# **ARTICLE XVII**

**AN ARTICLE REGULATING**

# **ANIMAL CONTROL**

**FOR**

**MCHENRY COUNTY**

**AMENDED FEBRUARY 1, 2007**

**MCHENRY COUNTY BOARD**

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# **PUBLIC HEALTH ORDINANCE**

## **ARTICLE XVII**

### **ANIMAL CONTROL**

#### **SECTION 1**

##### **GENERAL PROVISIONS**

**1.01 TITLE.** This Ordinance shall be known and cited as "An Article regulating Animal Control for McHenry County, Illinois."

**1.02 POLICY AND PURPOSE.** The purpose of this ordinance is to provide protection for the people of McHenry County, to ensure their health, safety, and welfare, and to provide harmonious relationships between people and animals by:

- A. Protecting the residents of McHenry County from rabies by specifying such preventive and control measures as may be deemed necessary;
- B. Providing security to residents from annoyance, intimidation and injury from dogs and other animals;
- C. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards;
- D. Encouraging responsible pet ownership;
- E. Educating the public in rabies and other animal related issues;
- F. Providing for the assessment of penalties for violations and for the enforcement and administration of this Ordinance.

**1.03 SCOPE.** This ordinance shall include the following provisions:

- A. Duties of owners to control all domestic, and exotic or zoo animals in their custody;
- B. Duties of owners to vaccinate dogs in their custody against rabies;
- C. Duties of owners to register all dogs in their custody with the Department;
- D. Duties of the Administrator in cases of dog and cat quarantine;
- E. Provisions for impoundment or confinement of biting animals; and
- F. Provisions for penalties to owners who cruelly treat or neglect animals in their possession.

## SECTION 2

### DEFINITIONS

**2.01 “ADMINISTRATOR”** is a veterinarian licensed by the State of Illinois and appointed pursuant to this Ordinance, or in the event a veterinarian cannot be found and appointed pursuant to this Ordinance, a non-veterinarian may serve as Administrator under this Ordinance. In the event the Administrator is not a veterinarian, the Administrator shall defer to Deputy Administrator regarding all medical decisions.

**2.02 “ADMINISTRATOR, APPOINTMENT OF”** shall be made by the County Board Chairman with the consent of the County Board. 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 Officers to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control 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.

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.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and microchipping of dogs and shall impose an individual animal and litter registration fee. All persons selling dogs or keeping registries of dogs shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs.

**2.03 “ANIMAL”** means every living creature, other than man, which may be affected by rabies.

**2.04 “ANIMAL, COMPANION”** means an animal that is commonly considered to be, or is considered by the owner to be a pet.

**2.05 “ANIMAL CONTROL FACILITY”** is any facility licensed by the Illinois Department of Agriculture and approved by the Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

**2.06 “ANIMAL CONTROL OFFICER”** is any person appointed by the Administrator and approved by the Board of Health to perform duties as set forth in this Ordinance and/or state statutes pertaining to animals.

**2.07 “ANIMAL, CONTROL OR RESTRAINT”** refers to any owned animal that is either secured by a leash or lead or under voice control or within the premises of its owner or confined within a crate or cage or confined within a vehicle or on the premises of another person with the consent of that person.

**2.08 “ANIMAL, DOMESTIC”** means dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal that are sold or retained as household pets and further includes farm animals but shall not include skunks, non-human primates and any other species of wild, exotic, fur-bearing mammal or carnivorous animal that may be further restricted in this Ordinance.

**2.09 “ANIMAL, EXOTIC”** shall include but is not limited to the following: Felis concolor (i.e. Cougar, mountain lions, Panther, Puma, Catamount, Florida Panther); Panthera (i.e. Lion, Tiger, Leopard, Jaguar, Snow Leopard); Neofelis (i.e. Clouded Leopard); Acinonyx (i.e. Cheetah); Felis wiedi (i.e. Margay); Felis lynx (i.e. Lynx) Felis rufus (i.e. Bobcat); Leopardus pardalis (i.e. Ocelot); Yagouaroundi (i.e. Jaguarundis); Hyaenidae (i.e. Hyenas); Canis Lupus (i.e. Gray Wolf, Timber Wolf, White Wolf); Canis Rufus (i.e. Red Wolf); Alopex lagopus (i.e. Artic fox, Polar Fox, White Fox, Blue Fox); Uracyon cinereoargenteus (i.e. Gray Fox); Canis latrans (i.e. Coyote); Ursidae (i.e. Black Bear, Brown or Grizzly Bear, Polar Bear); Proboscides (i.e. Elephant); non-human primates; Crocodylia (i.e. Crocodiles, Alligator); all species of the following families or genera of Squamata (snakes and lizards): Helodermatidae (i.e. Gila monsters); Elapidae (i.e. Cobras, coral snakes); Hydrophiidae (i.e. sea snakes); Viperidae (i.e. vipers and pit vipers); Atractaspidae (i.e. burrowing asps) Dispholidus typus (i.e. boomslang snake); Thelotornis kirtlandii (i.e. twig snake); Rhabdophis (i.e. keelback snakes); Eunectes murinus (i.e. Green anaconda); Python sebae (i.e. African rock python); Python molurus (i.e. Burmese python); Python reticulates (i.e. Reticulated python); Liasis amethystinus (i.e. Amethystine python); or any other animal or reptile deemed dangerous by the McHenry County Health Department, Illinois Department of Agriculture, or Illinois Department of Conservation.

**2.10 “ANIMALS, FARM”** are species of fowl, ovine (i.e. sheep), caprine (i.e. goat), bovine (i.e. cattle), porcine (i.e. pig) and equine (i.e. horse).

**2.11 “ANIMAL REFUGE”** is any facility licensed by the United States Department of Agriculture and approved by the Administrator which accepts seized, stray, homeless, abandoned or unwanted exotic animals.

**2.12 “ANIMAL, STRAY”** means any domestic animal that is not under control and constraint.

**2.13 “BITE”** means seizure of a person with the jaws or teeth of any animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such animal with any break or abrasion of the skin.

**2.14 “BUSINESS DAY”** means any day including holidays that the animal control facility is open to the public for animal reclaims.

**2.15 “CAT”** is any member of the family Felidae.

**2.16 “CIRCUS”** is any commercial variety show licensed by the United States Department of Agriculture and approved by the Administrator, featuring animal acts for public entertainment, and further includes the place where these animals are housed when not performing.

**2.17 “CONFINED”** is restriction of an animal at all times by the owner or its agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

**2.18 “DANGEROUS DOG”** is (1) 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 (2) a dog that, without justification, bites a person and does not cause serious physical injury.

**2.19 “DEPARTMENT”** is the McHenry County Department of Health.

**2.20 “DEPUTY ADMINISTRATOR”** is a veterinarian licensed by the State of Illinois, appointed by the Administrator.

**2.21 “DOG”** is any member of the family Canidae.

**2.22 “DOG BREEDER”** is anyone who allows a female dog that they own to reproduce, is registered annually with the Department and does not procure an individual one or three year unaltered McHenry County dog registration tag.

**2.23 “EDUCATIONAL INSTITUTION”** is any facility licensed by the United States Department of Agriculture and approved by the Administrator and which keeps exotic animals with the sole purpose and practice of educating people in regard to the species’ value and natural history.

**2.24 “ENCLOSURE”** means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Additional measures to ensure the animal is not able to escape by digging under the fence line should be taken. 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. Such enclosure shall be securely enclosed and locked and designed with secure

sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. A vicious dog may be allowed to move freely within the entire residence if it is muzzled at all times.

**2.25 “FERAL CAT”** is a cat that (1) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (2) is a formerly owned cat that has been abandoned and is no longer socialized, or (3) lives on a farm.

**2.26 “FOUND TO BE VICIOUS”** as defined herein, requires a finding by the circuit court and entry of an order based on that finding.

**2.27 “FUR-BEARING MAMMALS”** are the following specific species; mink, muskrat, raccoon, striped skunk, weasel, bobcat, opossum, beaver, river otter, badger, red fox, gray fox, and coyote.

**2.28 “FUR-BEARING FARM”** means a farm, ranch or facility which breeds and raises fur-bearing mammals for the purpose of commercial enterprise.

**2.29 “GUARD DOG”** is a dog specifically trained for guard duties or a dog used by a municipal or police department for the purposes of patrol and protection.

**2.30 “IMPOUNDED”** means taken into the custody of the Administrator.

**2.31 “INTACT ANIMAL”** means an animal that has not been spayed or neutered.

**2.32 “INOCULATION AGAINST RABIES”** is the injection of an antirabies vaccine approved by the Illinois Department of Agriculture administered by a licensed veterinarian.

**2.33 “KENNEL, COMMERCIAL”** means any building, structure or enclosure used or intended to be used primarily for the housing of any number of animals. Commercial activities include, but are not limited to, animal services, such as public boarding, sale of animals and sale of items or products related to animal care.

**2.34 “KENNEL, PRIVATE”** means any building, structure or enclosure used or intended to be used for housing of animals kept for the purpose of raising, breeding, training, exhibiting and sale subject to the appropriate requirements of this Ordinance. All animals kept must be owned by or co-owned by or under contract to the owner or lessor of the site. At the time of the sale of an animal, supplies relating to the pet’s care may be sold.

**2.35 “LEASH”** is a cord, rope, strap, nylon 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.

**2.36 “LICENSED VETERINARIAN”** is a veterinarian licensed by the State in which he or she engages in the practice of veterinary medicine.

**2.37 “MICROCHIP”** is a computer chip which has a unique identification number programmed into it. The chip is encased in a smooth, strong biocompatible material, and is small enough to fit into a hypodermic needle. Once an animal is injected with the chip, it can be identified throughout its life by this unique number.

**2.38 “NUISANCE CAT”** is any cat which molests passers-by; attacks other domestic animals; trespasses on school grounds, public grounds, conservation property or private property; damages private or public property; is a safety or health hazard; creates offensive odors; or materially interferes with or disrupts another individual.

**2.39 “OWNER”** means any person having a right of property in an animal or keeps or harbors an animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on any premises occupied by him or her for a period of 7 days. “Owner” does not include a feral cat caretaker who participated in a trap spay/neuter, return or release program.

**2.40 “PERSON”** is any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, municipal corporation or political subdivision, or any other business unit.

**2.41 “PUBLIC NUISANCE”** means any animal which molests passers-by or passing vehicles; attacks other animals; trespasses on school grounds; is repeatedly at large; damages private or public property; or barks, whines or howls in an excessive, continuous untimely fashion.

**2.42 “PHYSICAL INJURY”** is the impairment of a physical condition.

**2.43 “PHYSICAL INJURY, SERIOUS”** 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.

**2.44 “RESEARCH FACILITY”** is any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan or contract from a department, agency or instrument of the United States for the purpose of carrying out research, tests, or experiments. Such facility must be approved by and meet all requirements of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture.



**2.45 “RESTRAINT”** within the meaning of this Ordinance, requires a dog or animal, off the premises of the dog owner's owned or real property to be controlled by a leash and held by a competent person capable of controlling such animal.; at "heel" of a competent person; within a vehicle being driven, parked or stopped.; accompanied by a person competent in commonly accepted methods of control.

**2.46 “SHELTER, ADEQUATE”** is shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary constituents of its own body and that minimizes the potential for overheating.

**2.47 “SUPPORT DOG”** is a dog trained by a recognized organization to assist the handicapped.

**2.48 “VICIOUS DOG”** is 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.

**2.49 ”ZOOLOGICAL PARK”** is any park, building, cage, enclosure, or other structure or premises in which a live animal or animals are kept for public exhibition or viewing.

### **SECTION 3**

#### **PERMITS, FEES, LICENSES, REGISTRATIONS**

##### **3.01 COUNTY DOG REGISTRATION.**

A. Every owner (except for Animal Control Facilities licensed by the Illinois Department of Agriculture) of a dog four months or more of age shall register such dog and shall pay an annual registration fee for said dog to the McHenry County Department of Health. Upon payment of the required fee, as set forth in Section 3.11 of this Ordinance, and compliance with rabies vaccination Section 8 of this Ordinance, a registration tag shall be issued.

B. When an owner fails to register his or her dog, McHenry County Animal Control shall cause the registration fee to be collected from the owner.

C. Whenever a dog owner has a Veterinarian's Certificate indicating that a three year rabies vaccine recognized in Illinois has been administered, that dog owner may elect to purchase a three year registration tag at a fee designated in Section 3.11.

D. The owner of any dog which has been determined by a licensed veterinarian to be too ill to be vaccinated, or where rabies vaccination would be contra-indicated, shall register such dog annually in accordance with fees designated in Section 3.11. The veterinarian shall issue correspondence to the owner for said dog, clearly

stating why it is medically contraindicated to vaccinate the dog. The owner is still required to pay registration fees.

**3.02 REGISTRATION TAGS - UNLAWFUL POSSESSION.** Registration tags shall not be transferred from one dog to another, nor shall a person affix a registration tag to a dog other than the animal for which the tag was issued. A person shall not counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies registration tag or vaccination certificate.

**3.03 LATE REGISTRATION.** Failure of an owner to register their dog within 30 days of rabies vaccination will result in an additional fee as specified in Section 3.11.

**3.04 NEW COUNTY RESIDENT.** When a person moves into McHenry County and has a current vaccination and registration tag from the County from which they moved, that person shall register his or her dog with McHenry County within 60 days of residency. Such registration may be obtained at the cost of a replacement tag as designated in Section 3.11. Registration tags issued are based on the vaccination date, but in no case shall tags issued at the replacement tag cost be valid for more than 12 months.

**3.05 FORMER COUNTY RESIDENT.** When a person moves from McHenry County, that person shall notify Animal Control in order to remove his or her dog registration information from the data base.

**3.06 CHANGE OF OWNERSHIP.** If the ownership of a dog changes, the new owner shall register the dog within thirty (30) days of a change of ownership. No additional fee shall be charged to a new owner for the registration of the dog or cat, which has been previously registered in McHenry County during the course of the same calendar year. Change of ownership may be proven by a bill of sale, evidence of the previous registration or letter from the previous owner relinquishing the ownership of the dog .

**3.07 REGISTRATION FEE TO COUNTY TREASURER.** All registration fees collected shall be remitted to the County Treasurer, who shall place such monies in an Animal Control Fund. This fund is to be set up for the purpose of paying costs of the Animal Control Program. One-third of all fees collected shall be retained in the fund until the first Monday in March of each calendar year for the purpose of paying claims for the loss of livestock or poultry as set forth in Section 19 of the Illinois Animal Control Act. The remaining two-thirds shall be used for paying the cost of stray dog/cat control, impoundment, education on animal control and rabies and other costs incurred in carrying out the provisions of the “Illinois Animal Control Act.”

**3.08 REGISTRATION TAGS.** Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; tag No. \_\_\_\_\_; Illinois Department of Agriculture; name of County and year. This tag shall also serve as the registration tag and no dog shall be deemed officially rabies vaccinated unless this tag along with the official registration certificate signed by a

veterinarian has been issued by the McHenry County Department of Health. Such tags shall be worn on the collar or harness of the animal for which the tag and certificate was issued except when confined. Each year will be distinguished by a tag of a color prescribed by the Illinois Department of Agriculture.

**3.11 SCHEDULE OF FEES.** The following fees shall be required:

<b>TYPE</b>	<b>FEE</b>
Annual dog Registration (not neutered)*	\$40.00
Annual dog Registration (neutered)*+	\$13.00
Three year dog registration (not neutered)*	\$75.00
Three year dog registration (neutered)*+	\$24.00
Senior Citizens dog registration (owner is 62 years or older)	
1 year (neutered)*+	\$9.00
1 year (not neutered)*	\$19.00
3 year (neutered)*+	\$15.00
3 year (not neutered)*	\$30.00
* All Animals Micro-chipped receive a \$5.00 reduction in Registration fees.	
+ A spay or neuter certificate from licensed veterinarian is required.	
Replacement registration tag	\$2.00
Dog Breeder registration fee	\$40.00
Annual dog Breeder registration fee	\$25.00
Late registration fee	\$10.00
(after 30 days past vaccination date or 30 days past anniversary date in the case of a 3 year vaccination)	
Adoption Fee (dogs) (per animal, includes: heartworm test, spay/neuter, microchip, rabies vaccination and one year registration)	\$80.00
Adoption Fee (cats) (per animal, includes: spay/neuter, microchip, Felv & FIV tests, rabies vaccination and 1 year registration) for cat which has been available:	
for adoption up to 60 days	\$80.00
for adoption 61-120 days	\$60.00
for adoption 121-180 days	\$40.00
for adoption more than 180 days	\$20.00
Transfer of dog to another approved shelter or rescue (no tests or vaccinations)	no charge

Transfer of cat to another approved shelter or rescue (no tests or vaccinations)	no charge
Redemption Fee Animals with identification (id tag, microchips, tattoos) which identifies the owner at their current address.	\$45.00
Redemption Fee for animal without identification or identification which does not identify the owner at their current address	\$55.00
Redemption Fee (second offense)	\$75.00
Redemption Fee (third and subsequent offenses)	\$150.00
Veterinary Services (vaccinations)	\$25.00
Board for impounded animal, daily	\$10.00
Pick up fee for relinquish animals	\$50.00
Disposal per animal, less than 15 lbs.	\$30.00
Disposal per animal, 15 - 45 lbs.	\$40.00
Disposal per animal, 46 – 100 lbs.	\$50.00
Disposal per animal, over 100 lbs.	\$75.00
Disposal per animal, non-resident of McHenry Co.	\$75.00
Microchipping	\$15.00
Relinquish rabies observation per animal	\$100.00
Relinquish per dog, under 45 lbs or 7 years	\$30.00
Relinquish per dog, over 45 lbs or 7 years	\$50.00
Relinquish per dog, under 6 months	\$20.00
Relinquish 3 or more pups, under 6 months	\$35.00
Relinquish per cat, under 7 years	\$15.00
Relinquish per cat, over 7 years	\$25.00
Relinquish 2 to 10 kittens/cats	\$25.00
Service charge for payment plan	\$20.00
Specimens - prepared	
under 5 lbs.	\$15.00
over 5 lbs.	\$25.00
Specimen – unprepared (does not include disposal fee)	
under 15 lbs.	\$25.00
over 15 lbs.	\$50.00
Pick up fee for specimens (excludes species which are common carriers of rabies in this area i.e.: skunks, bats, foxes)	\$25.00

Annual status fee for dangerous dog (due April 1 of each year)	\$100.00
Annual status fee for vicious dog (due April 1 of each year)	\$200.00

**SECTION 4  
INSPECTIONS**

**4.01 COMMERCIAL KENNELS.** The Administrator shall cooperate with and assist, when necessary, the Illinois Department of Agriculture in inspections and enforcement of State Laws, Rules and Regulations regarding Commercial Kennels.

**4.02 ACCESS TO PREMISES.** For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, the Administrator or any officer of the law may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If after request therefore, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Article and the Illinois Animal Control Act.

**4.03 INSPECTIONS.** An individual breeder's registration and each individual female breeding dog is to be registered annually with the Department on the forms provided and fee paid per the schedule detailed in section 3.11 of this ordinance. The exception to this requirement would be if an individual or multiple unaltered (not neutered) female dog registration tag(s) are obtained.

**SECTION 5  
DANGEROUS & VICIOUS ANIMALS**

**5.01 DANGEROUS DOG DETERMINATION.** In order to have a dog deemed dangerous, the Administrator must:

- A. send within 10 business days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, and of the fact of the initiation of an investigation;
- B. afford the owner an opportunity to meet with the Administrator prior to the making of a determination;

C. conduct a thorough investigation, in which he may gather any medical or veterinary evidence and interview witnesses; and

D. make a detailed written report recommending a finding that the dog be deemed dangerous.

The Deputy Administrator or law enforcement agent may ask the 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 the 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.

**5.01.01 DANGEROUS DOG EXEMPTIONS.** A dog shall not be declared dangerous if the Administrator, or his or her designee, determines the conduct of the dog was justified because either:

A. 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;

B. the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

C. the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

D. 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 other recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this section.

**5.01.02 DANGEROUS DOG PENALTIES.** If deemed dangerous, the Administrator, or his or her designee, shall order the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

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

B. direct supervision by an adult 18 years of age or older whenever the animal is on public premises;

C. that the dangerous dog be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration; or

No owner or keeper of a dangerous dog shall sell or give away the dog without providing notification, including the new owner's name and address, to the Administrator.

Animal Control has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Ordinance.

**5.01.03 DANGEROUS DOGS; LEASH.** 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 or other recognized control methods.

**5.01.04 DANGEROUS DOG; APPEAL.** The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the Administrator may, within 14 business days of receipt of notification of the determination, request an appeal of the dangerous dog determination pursuant to McHenry County Health Ordinance, Article I, Section 3.

Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator. All costs relating to the compliance of requirements shall be borne by the owner.

**5.02 VICIOUS DOG DETERMINATION.** In order to have a dog deemed "vicious," the Administrator must:

A. give notice of the infraction that is the basis of the investigation to the owner;

B. conduct a thorough investigation, including interviewing any witnesses, and the owner, gathering existing medical records, veterinary medical records and behavioral evidence;

C. make a detailed report recommending a finding that the dog is a vicious dog; and

D. give the report to the State's Attorney's Office and the owner.

The Administrator, State's Attorney, or any 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 a vicious dog. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. If the burden of proof has been met, the court shall deem the dog to be a vicious dog. The judge has the discretion to order a vicious dog to be euthanized.

The Administrator shall determine where the animal shall be confined during the pendency of the case. The owner shall bear all expenses relating to the confinement.

**5.02.01 VICIOUS DOG EXEMPTIONS.** A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

A. 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;

B. the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

C. 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.

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

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 Ordinance, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs and shall promptly notify the departments of any address changes reported to him or her.

**5.02.02 PENALTIES FOR DOG FOUND TO BE VICIOUS.** If a dog is found to be a vicious dog, the owners shall:

A. have the dog spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already;

B. have the dog in an enclosure approved by Animal Control. If the dog is in the custody of Animal Control, the dog found to be a vicious shall not be released to the owner until the Administrator, or his or her designee, approves the enclosure; and



If an owner fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay a \$500.00 fine plus impoundment fees to McHenry County Animal Control.

No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court.

Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and McHenry County Animal Control within 5 days of change of address.

The owner of a dog which has been declared a “vicious dog” by court shall pay an annual status fee to the Department as indicated in section 3.11. Such fee shall be due April 1 of each year. The owner of any dog which has been found to be vicious must pay the annual status fee within 60 days of notification of such declaration. No refunds will be issued for any reason.

**5.02.03 VICIOUS DOG ENCLOSURE EXCEPTIONS.** It shall be unlawful for any person to fail to have any dog which has been found to be a vicious dog in an enclosure unless:

A. it is necessary for the owner or keeper to obtain veterinary care for the dog,

B. in the case of an emergency or natural disaster where the dog's life is threatened, or

C. to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

**5.02.04 IMPOUNDMENT OF VICIOUS DOG.** Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator 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 business days, the dog may be euthanized.

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

**5.02.05 PENDING VICIOUS DOG DETERMINATION.** If McHenry County Animal Control has custody of the dog, Animal Control may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by Animal Control in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this section, Animal Control may draw from the security the actual costs incurred by Animal Control in caring for the dog.

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

If the court orders the posting of security, the security must be posted with the clerk 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 Animal Control must dispose of the animal through adoption or humane euthanization.

## **SECTION 6**

### **PUBLIC NUISANCE**

#### **6.01 RUNNING AT LARGE.**

A. The owner of any dog, cat or other domestic animal shall not permit such animal to run at large within unincorporated areas of the County of McHenry, Illinois, which have been subdivided for residential purposes.

B. No person shall cause or permit any dog, cat or other domestic animal owned by them, unless under restraint, to be on any public place or on any privately owned premises other than those of the owner without that property owners consent.

C. Any dog, cat or other domestic animal found running at large, not confined to the owner's property or is on public property not under restraint shall be deemed a declared Public Health nuisance. The Administrator shall capture and impound any such animal. The Administrator or their Deputy Administrator shall, immediately upon impounding any dog, cat or other animal make complete registry and enter therein the breed, color and sex of such dog, cat or other animal.

D. Any dog found running at large contrary to the provisions of this Ordinance may be apprehended and impounded. 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.

## **6.02 IMPOUNDMENT.**

A. When dogs, cats or other domestic animals are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator shall give notice of not less than seven (7) business days to the owner. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator, who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, they may do so by complying with the following:

- (1) Presenting proof of rabies inoculation and registration, if applicable.
- (2) Paying for the rabies inoculation of the dog or cat and registration, if applicable.
- (3) Paying Animal Control for the board of the dog or cat for the period that it was impounded, per section 3.11.
- (4) Paying into the Animal Control fund an additional impound fee as prescribed by the board as a penalty for the first offense and for each subsequent offense, per section 3.11, and all other costs incurred.
- (5) Paying for microchipping and registration if not already done.

B. The payments required for redemption under this section shall be in addition to other penalties invoked under this ordinance and the Illinois Public Health and Safety Animal Population Control Act.

C. If no owner is known, the stray animal shall be held for a period of 7 business days. If after that time no owner has come forward or been identified, the animal may be disposed of in accordance with the provisions of this Ordinance.

D. Any animal on any public way or public place, or which has strayed onto private premises and which appears to be injured or severely diseased and for which care is not being provided by the owner shall be removed, if possible, by the Administrator or any law enforcement agency. If immediate removal is not practical or possible, or if the animal is in critical condition, such animal may be deprived of life by the most humane method available, unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.

E. The Administrator need not maintain animals for the above time if they are determined by a licensed veterinarian to be diseased or critically ill.

**6.03 NON-REDEMPTION/ADOPTION/SPAYING OR NEUTERING.**

(A) When not redeemed by the owner, agent, or caretaker an animal which has been impounded in accordance with the provisions of this ordinance shall be offered for adoption or made available to a licensed humane society or rescue group. If no placement is available it shall be euthanized in accordance with the Illinois Euthanasia in Shelters Act.

(B) Live animals shall not be used for research purposes, nor released to any individual, organization or educational institution for research or experimental purposes or sold, transferred or held for such purposes.

(C) An unredeemed dog or cat shall not be released for adoption unless the animal has been microchipped and spayed or neutered. A person wishing to adopt an animal prior to the surgical procedure shall have executed a written agreement promising to have such service performed within 30 days of adoption. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the Administrator. Additional penalties may be imposed.

**6.04 REDEMPTION OR ADOPTION AND VACCINATION.** An owner redeeming an unvaccinated dog over four (4) months of age, or any person adopting a dog over (4) months of age which has been impounded, shall cause such dog or cat to be officially vaccinated against rabies within ten (10) days after removing such dog from the pound. Dogs under four (4) months of age which are redeemed or adopted shall be caused by the owner to be vaccinated against rabies within thirty (30) days after reaching four (4) months of age.

This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters, provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Any person purchasing or adopting such dog with or without charge or donation, must pay for the rabies inoculation of such dog and registration if applicable.

**6.05 ANIMALS ON PUBLIC PROPERTY.** It shall be unlawful for any dog, cat or other animal even though on a leash, to be present at or upon any school premises, public playground, park, public beach or public swimming pool, unless permission is granted by the agency which has jurisdiction over same. The provisions of this Section shall not apply to working support dogs.

**6.06 FEMALE ANIMALS IN HEAT.** All dogs and cats in heat (estrus) shall be confined in a building or secure enclosure and attended in such a manner that such female cat or dog cannot come into contact with a male of the same species except for planned breeding.

**6.07 ENTRY UPON THE PRIVATE PROPERTY OF ANOTHER.** The owner of any dog or cat shall not permit such dog or cat to enter upon the premises or property which is located within McHenry County, Illinois, of another person without permission of the owner of such premises or property.

**6.08 DAMAGE TO PROPERTY.** The owner of any dog, cat or other domestic animal shall not permit such dog, cat or other domestic animal to injure, destroy or carry any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on or which may be planted or seeded on the property of another or on public property. These provisions do not exclude any civil liability for damage to property by a dog, cat or other domestic animal.

**6.09 ACCUMULATION OF FECES.** No person shall allow cat or dog feces to accumulate in any yard, pen or premises in or upon which a cat or dog shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing cat or dog.

**6.10 REMOVAL OF FECES.** No person shall fail to remove feces deposited by their cat or dog, except support dogs, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without that person's consent.

**6.11 BARKING DOGS.** No owner or person in the possession, custody or control of a dog, shall allow the dog to bark, whine, or howl continuously; for a period longer than 15 minutes, intermittently for a period in excess of two hours, or between the hours of 10:00 p.m. and 6:00 a.m., so as to disturb the peace, quiet or repose, or be audible to another person of ordinary sensibility.

**6.12 DESTRUCTION OF LIVESTOCK.** Any owner seeing their livestock, including but not limited to: sheep, goats, cattle, horses, mules, swine or poultry being pursued, chased, worried, wounded, or killed by a dog, not accompanied by or not under the supervision and control of its owner, may pursue and kill such dog while presenting a threat.

**6.13 LIABILITY.** The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any sheep, goats, cattle, horses, mules, poultry, ratites, or swine belonging to that person.

**6.14 CLAIMS FOR DESTRUCTION.** Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of the Illinois Animal Control Act and 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 Administrator within twenty-four (24) hours after such injury or killing occurs, and he shall make an 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. The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than two (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 Administrator shall file a written report with the County Treasurer as to the right of the 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 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.

### **CLAIMS FOR DESTRUCTION**

Unless the County Board by Ordinance establishes a schedule for damages reflecting the reasonable market value, the damages allowed for grade animals or poultry shall not exceed the following amounts:

- A. For goats killed or injured, \$30.00 per head.
- B. For cattle killed or injured, \$300.00 per head.
- C. For horses or mules killed or injured, \$200.00 per head.
- D. For swine killed or injured, \$50.00 per head.
- E. For turkeys killed or injured, \$5.00 per head.
- F. For sheep killed or injured, \$30.00 per head.
- G. For all poultry, other than turkeys, \$1.00 per head.

The maximum amounts herein 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. However, if there is not sufficient monies in the portion of the fund set aside as provided in Section 7 of the Illinois Animal Control Act to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry their pro rata share of the monies 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.

**6.15 PAYMENT TO OWNER OF DOMESTIC ANIMALS NO BAR TO ACTION FOR DAMAGES - REPAYMENT TO ANIMAL CONTROL FUND.** 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 or animal committing such injury or causing such loss for the recovery of damages therefore. The court or jury, before which such action is tried, shall ascertain from evidence what

portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff for the use of the County, for the amount which the plaintiff has received on account of such 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 be, shall be entered in the name of the plaintiff in such action to their 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.

**6.16 DEAD ANIMALS.** Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person shall dispose of said animal in compliance with the Illinois Dead Animal Disposal Act within 24 hours.

**6.17 MANAGED FERAL CAT COLONY.** It is unlawful for any person to intentionally provide food, water or other forms of sustenance to a feral cat or feral cat colony unless the feral cat is maintained in an approved managed feral cat colony.

In order to be an approved managed feral cat colony, the person caring for the cats must:

- A. Ensure that the colony is restricted to a well-defined safe area, and not on lands managed for wildlife or other natural resources (i.e. state parks, wildlife refuges, etc.). Written permission of the landowner shall be obtained and notarized when colony manager is not the property owner.
- B. Register the colony with an approved animal shelter licensed by the Illinois Department of Agriculture. The animal shelter must file reports with Animal Control as requested.
- C. Provide a written record to the Department on a quarterly basis of the care and management of the colony. Such record shall include but is not limited to:
  - (i) Location of the colony;
  - (ii) Feeding schedule (daytime only), daily care required including weekends, holidays and vacations of caretaker;
  - (iii) Number of cats in the colony;
  - (iv) Number of cats joining the colony and final disposition of those cat(s);
  - (v) Number of cats no longer in the colony and disposition if known;

(vi) Health monitoring.

D. Provide adequate shelter which provides protection from the elements and have photographs available of the site upon request.

E. Shall be required to humanely capture and provide for:

- (i) health examination;
- (ii) serologic screening test, for those being removed for adoption as a minimum and any ill cats or as deemed by veterinarian, for infectious diseases (Felv & FIV), and euthanasia or isolation indoors of those which test positive;
- (iii) maintenance of an ongoing health care program which provides vaccinations, medical and/or surgical care and parasite control;
- (iv) sterilization;
- (v) removal of kittens and adoptable adult newcomers;
- (vi) left concave ear tipping for those which have been spayed/neutered;
- (vii) removal from, return to the colony, or euthanization of those cats that cannot be socialized, as determined by the caretaker;
- (viii) Rabies vaccination as recommended by vaccine manufacturer.

F. Have an approved written program of educational training which shall be provided for all care givers. This shall include uniform standards and procedures for colony maintenance, as well as public health, occupational safety and environmental issues. Training is to be provided by the approved animal shelter or welfare organization.

G. Provide annual notification to residents by legal notice listing the section of the township the colony is located.

H. Post signage at any and all trapping sites clearly listing a contact person and phone number and an alternate person and phone number.

I. Remove nuisance cats from the colony and euthanize, isolate indoors or put in a barn cat program.

J. Not relocate any cat to another colony within McHenry County.

**6.18 REMOVAL OF COLONY BY ANIMAL CONTROL.** The Department has the right to immediately seize and remove all, or parts of, any colony for any reason including but not limited to:

A. Public health and public safety concerns including rabies, other epizootic and certain zoonoses identified by the Department.



- B. Animals creating a public nuisance or which are in violation of any section of this ordinance.
- C. In the event the caretaker fails to comply with the requirements of this section.

The colony manager or the approved organization will be notified by the Department at least 48 hours before removal of any animal from the colony.

## **SECTION 7**

### **BITING ANIMALS**

#### **7.01 BITING DOGS, CATS OR OTHER ANIMALS.**

A. It is unlawful for any person having direct knowledge that any person has been bitten by a dog, cat or other animal capable of transmitting rabies to refuse to notify the Administrator immediately.

B. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator.

C. It is unlawful for the owner of such dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator delivering or mailing such instruction is prima facie evidence that the owner of such dog or other animal was notified of their responsibilities.

D. Any expense incurred in the handling of any dog or other animal under this ordinance shall be borne by the owner. For the purpose of this Section, the word "immediately" means telephone, in person, or by other than use of mail.

**7.02 PHYSICIAN VERIFICATION.** It is within the scope of this Ordinance that the Administrator may request physician verification of the reported bite.

**7.03 RABIES OBSERVATION PERIOD.** When the Administrator receives information that any person has been bitten by an animal the Administrator shall either:

A. Have the owner confine the biting animal under the direction of a licensed veterinarian for a period of ten days beginning within twenty-four hours of the biting incident, or

B. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person if the Administrator or a licensed veterinarian adjudges such confinement satisfactory when:

1. The biting animal is currently inoculated with rabies vaccine or;
2. The biting animal has bitten a family member of the owner living within the same household, and is not currently inoculated with rabies vaccine or;
3. The biting animal is an unvaccinated dog or cat under the age of 4 months or;
4. The rabies vaccination of the biting animal expired less than 30 days prior to the date of the bite or;
5. When hospital confinement is not practical or feasible.

When confinement of the biting animal is allowed in the home of its owner, the owner shall return the animal to the veterinarian on the 10<sup>th</sup> day after the bite. The animal's health shall be reported by the veterinarian to the McHenry County Health Department, Division of Veterinary Public Health on the first and tenth day of the observation period for rabies. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex or such dog or other animal, on appropriate forms approved by the Department of Health.

C. Hospital confinement is required when:

1. The biting animal is more than 4 months of age and is not currently vaccinated (unless the vaccination expired less than 30 days prior to the date of the bite) and the victim is not a family member residing in the same household or;
2. The Administrator directs hospital confinement of a vaccinated animal when the biting animal, inflicts a serious bite to a person, bites a person while on home confinement for a prior bite, is on home confinement and is reported to be running loose or not adequately restrained by its owner, or requires confinement as deemed necessary by the Administrator.

D. The Department may permit the confinement period to be reduced to less than 10 days following a bite when:

1. It is deemed advisable for humane reasons, i.e., injury, health or disease conditions or

2. When the owner has requested euthanasia of the biting animal or;
3. The animal is deemed to be a stray by the Administrator.

When such animal is confined for a period of less than 10 days, for one of the above three reasons, it shall be euthanized and the brain submitted directly to a recognized laboratory for rabies examination.

**7.04 LIABILITY FOR INJURY.** If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting themselves in any place where they may lawfully be, the owner of such dog or other animal is liable for damages to such person for the full amount of the injury sustained.

**7.05 NON - COMPLIANCE.**

A. Failure to return a biting animal under home observation to a veterinarian for examination will constitute a violation of this Ordinance. Each day of non-compliance will constitute a separate offense subject to fines.

B. It is a violation of this Ordinance for an owner or their agent to sell, kill or give away or otherwise dispose of any animal that is known to have bitten a person within a ten (10) day period of a bite.

C. No person shall remove from any place of confinement any animal which has been confined as authorized by the Administrator without the consent of the Administrator.

**7.06 DOGS IN LAW ENFORCEMENT.** When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation 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.

**SECTION 8**

**RABIES - RABIES VACCINATION**

**8.01 VACCINATION REQUIREMENT.** Every owner of a dog (4) four months or more of age, within the County of McHenry, Illinois, shall cause such dog to be inoculated by a licensed Veterinarian with a prophylactic rabies vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture.

**8.02 GRACE PERIOD.** Thirty (30) days are permitted for an owner to secure revaccination of their dog after the previous vaccination time has lapsed.

**8.03 RABIES VACCINE.** Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed Veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Department and used in accordance with the manufacturer's recommendations.

**8.04 EXPOSED ANIMALS.** Whenever reasonable probability exists that a domestic animal has been exposed to a known rabid animal, the exposed animal shall be handled in a manner as recommended by the Illinois Department of Agriculture.

**8.05 DOG OR CAT QUARANTINE.** Whenever the number of dogs or cats suffering from rabies, or dogs and cats running at large within the County of McHenry, Illinois, shall be such as to endanger the public health, public safety or general welfare, the Administrator, upon the recommendation of the Chairman of the Board of McHenry County, shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the Chairman containing such declaration shall be published at least once in a newspaper of general circulation in the County of McHenry, Illinois. After the first publication of such proclamation by the Chairman, it shall be unlawful for the owner or custodian of any dog or cat to permit such dog or cat to be at large contrary to the terms of such proclamation. The Department may order that all dogs or other animals in the locality be kept confined within an enclosure, be kept muzzled and restrained by leash, all owners or keepers of dogs or other animals take prophylactic measures as deemed necessary to prevent the spread of rabies, and other measures as may be necessary to control the spread of rabies.

The Illinois Department of Agriculture may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

The Administrator, during the first week after the quarantine order is issued shall take proper measures to inform the citizens of McHenry County of the quarantine order and of the penalties attached to the violation of the order. The quarantine order shall apply to all dogs and or cats whether vaccinated and registered according to the provisions of this Ordinance or not, and shall be confined in the home of the owner of the animal or be under direct control of a competent person.

Any dog or cat or other animal subject to such quarantine found uncontrolled shall be impounded. Dogs or cats and other animals subject to rabies which are impossible to capture or impound after the exercise of reasonable efforts and diligence, shall be destroyed if the Health Authority so designates.

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

dog or cat or other animal, whether or not the exposed dog or cat or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator.

Any owner or veterinarian who suspects that a dog, cat or other animal died from rabies shall immediately report such fact to the Administrator.

## **SECTION 9**

### **EXOTIC ANIMALS – WILDLIFE**

**9.01 EXOTIC ANIMAL.** No person shall own, or keep in their custody any exotic or crossbred or hybrid exotic animals in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

**9.02 DOMESTICATION NO DEFENSE.** It is no defense to a violation of this Ordinance that the keeper of any animal or poisonous reptile which is prohibited by Section 9 of this Ordinance has attempted to domesticate such animal or poisonous or constricting reptile.

**9.03 WILDLIFE DOMESTICATION.** No person shall keep or permit to be kept or domesticate any wildlife contrary to Federal, State and local Laws, and Regulations.

**9.04 INDIGENOUS WILDLIFE.** No person shall be permitted to own, harbor or keep in their custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading them as pets, irrespective of holding a fur-bearing mammal permit or game breeders permit from the Illinois Department of Conservation. Fur-bearing farms are exempt from this requirement provided that the operation meets the requirement of state and county regulations.

**9.05 WILDLIFE CROSSES.** No person shall own or keep in their custody any wildlife cross such as coy dogs, wolf dogs, domestic cats bred to wild cats such as Asian leopard cat, Geoffrey's cat, Bobcat or any wild or feline cross, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory-or veterinary hospital.

**9.06 RABIES VACCINATION OF WILDLIFE.** It is unlawful to vaccinate any wildlife or wildlife cross against rabies unless the vaccine manufacturer indicates recommendation of that species.

## **SECTION 10**

### **FARM ANIMALS**

**10.01 FARM ANIMALS IN ESTATE AREAS.** No person shall keep or cause to be kept farm animals or fowl other than household pets including animals or fowl ordinarily permitted in the house unless such person has met the following requirements:

A. Has met all applicable requirements of the McHenry County or Local Zoning Ordinance, rules and regulations.

B. Has provided adequate shelter and area adequate enough to affect normal good husbandry practices so as to preclude public health nuisance or cruelty to animals.

C. Has provided fences, pens, shelters, corrals or similar enclosures of sufficient height and strength to retain the animals on their own premises.

D. Has roofed shelters structured to prevent run-off from draining into the shelter.

## **SECTION 11**

### **CRUELTY TO ANIMALS**

#### **11.01 CRUEL TREATMENT.**

A. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse an animal.

B. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

#### **11.02 OWNER'S DUTIES.**

A. No person or owner shall fail to provide any animal in their charge, or custody as owner or otherwise, with the following:

- (1) sufficient quantity of good quality, wholesome, food and water; (Outdoor animals must have a constant supply of fresh water available.)
- (2) adequate shelter and protection from the weather;
- (3) veterinary care when needed to prevent suffering; and
- (4) humane care and treatment.

**11.03 TRANSPORTING ANIMALS.** No person or owner driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from falling, jumping or being thrown from the vehicle.

**11.04 TETHERING.** No person or owner shall chain or leash an unsupervised dog outside for a period longer than 1 (one) hour unless the chain is at least 12 feet long so as to allow for adequate exercise and freedom of movement. Said dog must also be contained on the owner's premises. The chain shall be attached so as to avoid entanglement.

**11.05 CONFINEMENT IN MOTOR VEHICLE.**

A. No person or owner 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.

B. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department 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 other person responsible.

**11.06 ABANDONMENT.**

A. No person or owner shall knowingly abandon any domestic animal on their own property without daily care or by abandonment off the owner's premises where it may suffer injury, hunger, or exposure, or become a public charge.

B. No person or owner shall knowingly release any domestic rabbit, ferret, prairie dog, hedgehog or other mammal, reptile or avian not native to this area, expecting it to fend for itself for food, shelter and protection.

**11.07 POISONING.** No person or owner shall knowingly or with malicious intent set out poison(s) or cause to be poisoned any dog, cat or domestic animal except by expressed permit from the Illinois Department of Agriculture.

**11.08 ARTIFICIAL COLORED ANIMALS OR FOWL.** No person shall sell, offer for sale, barter, or give away any living animal such as chicks, ducklings, other baby fowl or rabbits as pets or novelties when such fowl or rabbits have been dyed, colored or otherwise treated to impart an artificial color to them.

**11.09 CHICKS OR DUCKLINGS AS NOVELTIES OR PETS.** Chicks or ducklings shall not be sold, offered for sale, bartered or given away as pets or novelties.

**11.10 ENTERTAINMENT, FIGHTING OR BAITING ANIMALS.**

A. No person may own, operate, manage, maintain, charge admission to or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

B. No person shall give or use any live animal as a prize or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade, without registering with the Animal Control Division at least 48 hours before the event.

C. No person shall hold a greased pig contest.

## **SECTION 12**

### **VIOLATION OF SECTION 11**

**12.01 VIOLATION.** When a violation of Section 11 has been committed, an animal control officer will furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this Ordinance and that a maximum of 48 hours may be granted in which to take corrective action.

#### **12.02 IMPOUNDING ANIMALS.**

A. In the event that the Administrator finds that a violation of this Ordinance has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, the Administrator may impound the animal(s).

B. If a violator fails or refuses to take correction action necessary for compliance with Section 11 and 12.01 of this Ordinance, the Administrator may impound the animal.

C. If the animal is impounded, it shall be impounded in a facility or at another location where the elements of good care can be provided, and where such animal shall be examined and treated by a licensed veterinarian, or if the animal is severely injured, diseased, or suffering, humanely euthanized.

D. Emergency impoundment may be exercised in a life-threatening situation and the subject animal shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian.

E. All costs relating to the impoundment of the animal shall be bourn by the owner.

**12.03 NOTICE OF IMPOUNDMENT.** A notice of impoundment shall be given by the Administrator to the violator, if known, in person or sent by certified or registered mail. If the Department is not able to serve the violator in person or by registered or certified mail, the notice shall be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. The notice of impoundment shall include the following: listing of deficiencies noted, an accurate description of the animal or animals involved, the date on which the animal or animals



were impounded, the signature of the investigator, and a statement that the violator may request an appeal of the impoundment pursuant to McHenry County Health Ordinance, Article I, Section 3 within 7 business days after impoundment of the animal(s).

Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred and for any accrued charges.

If the impoundment is not appealed, within 7 business days of the impoundment, the animal is forfeited and the Administrator may lawfully and without liability provide for adoption of the animal or it may be humanely euthanized. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animals may not adopt.

No matter what the disposition of the animal in the appeal, the owner is subject to and responsible for any and all violations and expenses which may ensue.

## **SECTION 13**

### **PENALTIES AND REMEDIES**

#### **13.01 FINES.**

A. Any person violating, any provision of this Ordinance or aiding in or abetting or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance or resisting, obstructing or impeding the Administrator or their designated agents in enforcing this Ordinance, shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00).

B. The minimum fine for failure to register a dog in accordance with the requirements of Section 3 shall not be less than two hundred dollars (\$200.00) for the first offense and up to \$1000.00 for subsequent offenses.

C. The minimum fine for an unregistered dog running at large in or near a school yard (except dog parks) shall be not less than four hundred dollars (\$400.00) for the first offense and up to \$1000.00 for subsequent offenses.

D. The minimum fine for a dog running at large when Animal Control intervenes is \$150.00 for the first offense, \$300.00 for the second offense and for the third offense the fine will not exceed \$1000.00.

E. A minimum fine for all dogs reported to be running at large with no Animal Control intervention will be \$50.00.

F. Each occurrence of failure to comply constitutes a separate offense.

**13.02 ALTERNATIVE REMEDY.** As an alternative remedy to any other remedy which may be available to the Department in this Ordinance or in any State Statute, the Department may issue a ticket in those instances where any person violates or aids in or abets the violations or any provision of this Ordinance. Said ticket gives the person who violates this Ordinance the option of appearing in court to contest the alleged violation or pay the minimum fine as set forth herein.

**13.03 PARTIAL INVALIDITY.** If any provision of this Ordinance or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end the provisions of this Ordinance are declared to be severable.

**13.04 RESPONSIBILITY.** The Administrator for Animal Control or their duly authorized representatives or anyone enforcing the provisions of this Ordinance shall not be held unreasonably responsible for any accident or disease which may affect any dog, cat or other animal which may occur as a result of enforcing the provisions of this ordinance.