PUBLIC HEALTH ORDINANCE FOR McHENRY COUNTY ILLINOIS

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE VI

ANIMAL CONTROL

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McHENRY COUNTY ILLINOIS

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ARTICLE VI – ANIMAL CONTROL

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§ 8.04.820 **GENERAL PROVISIONS See § 8.04.010 Article I**

A. Scope: This Ordinance shall include the following provisions:

1. Duties of owners to control all animals, domestic, exotic, or zoo animals, in their custody;
2. Duties of owners to vaccinate all dogs or cats four months of age and older in their custody against rabies;
3. Duties of owners to register all dogs or cats in their custody with the Department;
4. Duties of the Animal Control Administrator in cases of dog and cat quarantine;
5. Provisions for impoundment or confinement of biting animals, dangerous or vicious dogs, animals running at large, animals owned by reckless dog owners, abandoned or cruelly treated animals, and/or animals that otherwise constitute either a public health and/or safety threat, a public nuisance, or public charge; and
6. Provisions for penalties and fines for owners who cruelly treat or neglect animals in their possession.

B. This Ordinance references the Illinois Animal Control Act, 510 ILCS 5/1 and the Illinois Humane Care for Animals Act, 510 ILCS 70/1 and as amended from time to time.

C. Nothing in this Ordinance affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. (510 ILCS 70/13).

§ 8.04.830 DEFINITIONS See § 8.04.010 Article I

§ 8.04.835: APPOINTMENTS

A. The appointment of the (Animal Control) Administrator 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.

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

2. The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and shall impose an individual animal and litter registration fee. All persons

3. selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs or cats.

§ 8.04.840 PERMITS, LICENSES, REGISTRATIONS

A. County Dog or Cat Registration:

1. Every owner (except for Animal Control Facilities licensed by the Illinois Department of Agriculture) of a dog or cat four months or more of age shall register such dog or cat and shall pay an annual registration fee for said dog or cat to the McHenry County Department of Health. Upon payment of the required fee, as set forth in the Public Health Fee Ordinance, and compliance with **§8.04.890** of this Ordinance, a registration tag shall be issued. All registration tag sales are final, and no refunds will be issued.

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

3. Whenever a dog or cat owner has a Veterinarian's Certificate indicating that a three (3) year rabies vaccine recognized by the United States Department of Agriculture has been administered, that dog or cat owner may elect to purchase a one-year or three-year registration tag at a fee designated in the Public Health Fee Ordinance.

4. If a licensed veterinarian determines in writing that a rabies vaccination would compromise an animal's health, then the animal shall be exempt from the rabies vaccination requirement, but the owner is still responsible for obtaining a registration tag and paying the registration fee. That dog or cat owner may only purchase a one-year registration tag.

B. Registration Tags - Unlawful Possession: Registration tags shall not be transferred from one dog or cat to another, nor shall a person affix a registration tag to a dog or cat 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.

C. Late Registration: Failure of an owner to register his or her dog or cat within 30 days of rabies vaccination will result in an additional late fee as specified in the Public Health Fee Ordinance.

D. Medical exemption: If a licensed veterinarian establishes in writing that a rabies inoculation would compromise a dog or cat's health, and it is determined that the dog or cat is exempt from the rabies inoculation requirement, then the owner must register the dog or cat as medically exempt within 30 days after the determination. The McHenry County Animal Control will furnish the owner with a medically exempt registration tag, which shall be valid for a period of one year.

E. **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 or cat with McHenry County within 60 days of the date he or she moved to McHenry County. Such registration may be obtained at the cost of a replacement tag as designated in the Public Health Fee Ordinance. 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.

F. **Former County Resident:** When a person moves from McHenry County, that person shall notify Animal Control in order to remove his or her dog or cat registration information from the database.

G. **Change of Ownership:** When the ownership of a dog or cat changes, the new owner shall register the dog or cat within thirty (30) days of the change of ownership. Change of ownership may be proven by a bill of sale, evidence of the previous registration or letter from the previous owner transferring the ownership of the dog or cat.

H. **Registration Tags:** Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; tag number _____; Illinois Department of Agriculture; name of County and year. This tag shall also serve as the registration tag and no dog or cat shall be deemed officially rabies vaccinated unless the owner has obtained this tag along with the official vaccination certificate signed by a veterinarian. Such tags shall be worn on the collar or harness of the dog 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.

I. **Breeder Registration:** An individual breeder's registration and each individual breeding dog or cat may be registered annually with the Department on the forms provided and fee paid per the schedule detailed in the Public Health Fee Ordinance. The exception to this requirement would be if the owner of multiple intact animals elects to purchase registration tags under **§ 8.04.840** of this Ordinance.

J. **Schedule of Fees:** The Animal Control Administrator of McHenry County may waive or reduce any fee detailed in the McHenry County Department of Health Public Health Fee Ordinance for any of the following:

1. Inability to pay (financial hardship)
2. Community-wide promotion
3. Public health emergency or community disaster
4. Animal census exceeds shelter capacity

§ 8.04.850 INSPECTIONS

A. **Access to Premises:** For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, the Animal Control Administrator, or his or her authorized agent, or any officer of the law may enter upon private premises, subject to constitutional restrictions on reasonable searches and seizures.

B. If entry is refused or not obtained, the Animal Control Administrator or authorized agent is authorized to pursue recourse as provided by law. Entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or a dog or other animal thought to be infected with rabies. If after a request for entry is made, the owner of such dog or other animal refuses to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance and the Illinois Animal Control Act.

§ 8.04.860 DANGEROUS, VICIOUS, AND POTENTIALLY DANGEROUS DOGS; AND RECKLESS DOG OWNER

A. Dangerous Dog Determination:

1. The Animal Control Administrator or his or her authorized agent may initiate a dangerous dog investigation to determine whether a dog is dangerous. A dog may be deemed dangerous if it is:

    a. any individual dog anywhere other than upon the property of the owner or custodian of the dog and un-muzzled, 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

    b. a dog that, without justification, bites a person and does not cause serious physical injury.

2. No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of the evidence. In order to have a dog deemed dangerous, the Animal Control Administrator, or his or her authorized agent, must:

    a. Send, within ten (10) business days of the Animal Control Administrator becoming aware of the alleged infraction, notifications of the alleged infractions to the owner, and of the initiation of an investigation by the Department into the allegations.

    b. For the duration of the investigation the owner will be required to contain the dog in a manner in one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

        (1) Direct supervision by an adult eighteen (18) years of age or older and with proper restraint, as defined in **Article I** of this ordinance, whenever the animal is on public premises;

        (2) 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;

        (3) That the dangerous dog not leave the premises of its owner unless under control by leash or other recognized physical control method;

    c. Afford the owner an opportunity to meet with the Animal Control Administrator prior to the making of a determination that a dog is deemed dangerous;

    d. Conduct a thorough investigation, in which he or she may gather any medical or veterinary evidence and interview witnesses. The owner of a dog under investigation or the Department may provide testimony of a certified applied behaviorist, a board- certified veterinary behaviorist, or other recognized expert who may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section;

    e. Make a detailed written report, which shall be referred to as the Animal Control Administrator's Decision and Order, recommending a finding whether or not the dog be deemed dangerous; and

f. Immediately send the owner, by personal service or by registered or certified mail, notification that his or her dog has been deemed dangerous by the Animal Control Administrator; including a complete description of the appeal process; and including orders to the owner of the dangerous dog as to any penalties, and dangerous dog fees to be paid.

3. The owner of a dog deemed dangerous shall be subject to: the Animal Control Administrator's Decision and Order, and the requirements of this **§ 8.04.860**; the penalties as outlined in **§ 8.04.860**; and the dangerous dog fee as outlined in the Public Health Fee Ordinance. The owner shall bear all costs incurred in following such requirements.

B. Dangerous Dog Exemptions: A dog shall not be declared dangerous if the Animal Control Administrator, or his or her authorized agent, determines the conduct of the dog was justified because either:

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

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

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

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

C. Dangerous Dog Restrictions:

1. If deemed dangerous, the Animal Control Administrator, or his or her authorized agent, shall order the dog to be spayed or neutered within fourteen (14) days of the Decision and Order at the owner's expense, and microchipped, if not already, and the following 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 purpose of this evaluation is to identify and attempt to mitigate any behavioral issues that may have contributed to the dog's dangerous dog designation, as a condition to maintaining ownership of the dog. The evaluation and any subsequent training is not intended as a means to challenge the dangerous dog designation. A list of potential certified behaviorist and training guidelines can be found attached to the Decision and Order. McHenry County reserves the right to speak directly with the behaviorist and trainer. The owner is responsible for providing both the written evaluation and training plan to the Department. 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 eighteen (18) years of age or older and with proper restraint, as defined in **Article I** of this ordinance, 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;

d. That the dangerous dog not leave the premises of its owner unless under control by leash or other recognized physical control method;

e. Prohibit the owner or keeper of a dangerous dog from selling or giving away the dog, without providing notification, including the new owner's name and address, to the Animal Control Administrator. Whenever an owner of a dangerous dog relocates, he or she shall notify both the Animal Control Administrator and McHenry County Animal Control where he or she has relocated within five (5) days of change of address.

2. Failure by the owner to do as ordered by the Animal Control Administrator and as outlined in this Ordinance is a violation of this Ordinance and the Animal Control Administrator may take legal or equitable action against the owner, including but not limited to filing for injunctive relief. If the owner of a dog deemed dangerous fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay a five hundred dollar ($500.00) fine. Additional impoundment fees will be due to McHenry County Animal Control.

3. 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 vaccinated for rabies in accordance with **§ 8.04.890** 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 Animal Control Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Administrator advised of the location where such dog will be stationed.

D. Dangerous Dog Appeal:

1. The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the Animal Control Administrator may file a complaint against the Animal Control Administrator in the circuit court of McHenry County within thirty-five (35) days of receipt of notification of the determination, for a de novo hearing on whether the dog meets the dangerous dog definition under this Ordinance. The proceeding shall be conducted as a civil hearing before the judge pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Animal Control Administrator meets his or her burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

Until the order has been reviewed and at all times during the court review process, the owner shall comply with the requirements set forth by the Animal Control Administrator or the court.

E. Vicious Dog Determination:

1. In order to have a dog deemed "vicious," the Animal Control 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 if provided;

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.

2. The Animal Control 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.

3. The Animal Control Administrator shall determine where the animal shall be confined during the investigation and may continue to order the animal to be confined during the pendency of the case. The owner shall bear all expenses relating to the confinement.

a. Any confinement under this section shall be considered an impoundment. The owner shall have 7 business from the date of impoundment to appeal the decision to the Animal Control Administrator. The Animal Control Administrator has the sole discretion to release any dog back to the owner or an acceptable alternative housing.

F. Vicious Dog Exemptions:

1. 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.

2. 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.

3. 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.

4. 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 vaccinated for rabies in accordance with 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 Animal Control Administrator of changes of address. In the case of a sentry or guard dog,

the owner shall keep the Animal Control Administrator advised of the location where such dog will be stationed.

G. Vicious Dog Restrictions:

1. If a dog is found to be a vicious dog, the owner shall:

    a. Have the dog spayed or neutered within ten (10) days of the finding at the expense of its owner, and microchipped, if not already;

    b. Confine the dog in an enclosure approved by the Animal Control Administrator, or his or her authorized agent. If the dog is in the custody of Animal Control, any dog found to be vicious shall not be released to the owner until the Animal Control Administrator, or his or her authorized agent, approves the enclosure. The enclosure shall be 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. If an owner fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay an applicable fine as indicated in **§8.04.940 Penalties, Fines, and Remedies**. A five hundred dollar ($500.00) impoundment fee due to McHenry County Animal Control will also be assessed.

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

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

5. The owner of a dog which has been declared a “vicious dog” by the court shall pay a vicious dog status fee to the Department as indicated in the Public Health Fee Ordinance. The owner of any dog which has been found to be vicious must pay the status fee within sixty (60) days of notification of such declaration. No refunds will be issued for any reason.

H. 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 approved enclosure. The only times a vicious dog may be allowed out of the enclosure are:

1. If it is necessary for the owner or keeper to obtain veterinary care for the dog;

2. In the case of an emergency or natural disaster where the dog's life is threatened; or

3. To comply with 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.

I. **Impoundment of Vicious Dog:** Any dog which has been found to be a vicious dog and which is not confined to an approved enclosure shall be impounded by the Animal Control Administrator, or his or her authorized agent, or the law enforcement authority having jurisdiction in such area.

1. If the owner of the dog has not appealed the impoundment order to the McHenry County Circuit Court within fifteen (15) business days, the dog may be euthanized.

2. 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 the Animal Control Administrator in writing.

J. **Posting Security Pending Vicious Dog Determination:** If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the dog, the Animal Control Administrator, or his or her authorized agent, 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 cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee 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 thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the dog.

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

2. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (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 humane euthanasia**.**

K. **Reckless Dog Owner; Complaint; Penalty**

1. The Administrator, State's Attorney, Director, or any citizen may file a complaint in circuit court to determine whether a person is a reckless dog owner as defined in Article I. If an owner is determined to be a reckless dog owner by clear and convincing evidence, the court shall order the immediate impoundment and forfeiture of all dogs the reckless dog owner has a property right in. Forfeiture may be to any licensed shelter, rescue, or sanctuary. The court shall further prohibit the property right ownership of a dog by the person determined to be a reckless dog owner for a period of at least 12 months, but not more than 36 months for the first reckless dog owner determination.

    a. A dog's history during ownership by a person found to be a reckless dog owner shall not be considered conclusive of the dog's temperament and qualification for adoption or transfer. The dog's temperament shall be independently evaluated by a person qualified to conduct behavioral assessments and, if the dog is deemed adoptable, the receiving facility shall make a reasonable attempt to place the dog in another home, transfer the dog to rescue, or place the dog in a sanctuary.

    b. A person who refuses to forfeit a dog under this Section is in violation which carries a public safety fine of $500 for each dog. The fine shall be deposited into the Pet Population Control Fund. Each day a person fails to comply with a forfeiture or prohibition ordered under this Section shall constitute a separate offense.

L. **Potentially Dangerous Dog:** A dog found running at large and unsupervised with three (3) or more other dogs may be deemed a potentially dangerous dog by the animal control warden or

administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within fourteen (14) days of reclaim. The designation of "potentially dangerous dog" shall expire twelve (12) months after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of five hundred dollars (500).

8.04.870 PUBLIC NUISANCE

Any animal or animals which molests or attacks passers-by or passing vehicles; attacks another animal; trespasses on school ground; is found running at large; damages private or public property; or barks, whines or howls in an excessive, continuous, and/or untimely fashion so as to disturb the peace and quiet of any person, place or neighborhood shall be considered a public nuisance**.**

A. Running At Large: Dogs, cats and other animals running at large are prohibited.

1. No owner of a dog, cat, or other animal shall cause or permit such animal to run at large, at any time, in any area, public or private, without the property owner's consent in McHenry County. All dogs, cats and other animals kept in any area in McHenry County shall be restrained and/or controlled, as defined by Article I of this Ordinance, in such a manner as to prevent such dog, cat or other animal from running at large. Any dog, cat or other animal found running at large in violation hereof, is hereby declared a public nuisance and shall be apprehended and impounded in the manner provided by this Ordinance.

   The Animal Control Administrator, or his or her authorized agent, shall capture and impound any such animal. The Animal Control Administrator, or his or her authorized agent, 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.

2. A dog, cat, or other animal found running at large contrary to the provisions of this Ordinance a second or subsequent time must be spayed or neutered and microchipped within thirty (30) days after being returned to the owner, unless already spayed or neutered and microchipped; and failure to comply shall result in impoundment of the dog, cat or other animal.

B. Running at Large Exemptions: 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 designated dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

C. Impoundment:

1. When dogs, cats or other animals are apprehended and impounded by the Animal Control Administrator, or his or her authorized agent, they must be scanned for the presence of a microchip. The Animal Control Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Animal Control 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 Animal Control Administrator, who mails such notice, shall be prima facie evidence of the receipt of such notice by the owner of such animal.

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

   a. Presenting proof of ownership;

b. Presenting proof of rabies vaccination and registration, if applicable;

c. Paying for the rabies vaccination of the dog or cat and registration, if applicable (see section E. **Redemption or Adoption and Vaccination** below)**;**

d. Paying Animal Control for the boarding of the dog or cat or other animal for the period that it was impounded, per the fee schedule in the Public Health Fee Ordinance;

e. Paying Animal Control an additional impound fee as prescribed in the Public Health Fee Ordinance and all other costs incurred; and

f. Paying for microchipping and registration if not already done. All companion cats and dogs will be microchipped at redemption if not already done.

3. The payments required for redemption under this Section shall be in addition to other penalties invoked under this Ordinance, the Illinois Animal Control Act, and the Illinois Public Health and Safety Animal Population Control Act.

4. If no owner is known through the display of a McHenry County rabies tag, microchip identification or other form of identification, the stray dog or cat shall be held for a period of seven (7) business days. Stray animals other than dogs or cats, shall be held for a period of three (3) calendar days. Feral cats as defined in § 8.04.010 Article I of the McHenry County Public Health Ordinance, may be transferred to an approved TNR program or adopted through a barn program immediately. If after that time no owner has come forward or been identified, the animal becomes the property of the County and may be disposed of in accordance with the provisions of this Ordinance.

5. Stray livestock shall be handled in a manner consistent with the Illinois Domestic Animals Running at Large Act.

6. 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 Animal Control Administrator or his or her authorized agent, 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 comes forward beforehand and assumes responsibility for immediate removal and care.

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

D. Non-Redemption/Adoption/Spaying or Neutering:

1. When not redeemed by the owner, agent, or caretaker within seven (7) business days after notice of impoundment is received by the Owner or if no owner is determined, an animal that has been impounded in accordance with the provisions of this Ordinance shall be forfeited by operation of law and offered for adoption or made available to a licensed humane society or rescue group. If no placement is available, the animal may be euthanized in accordance with the Illinois Euthanasia in Shelters Act.

2. 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.

3. 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 Animal Control Administrator, or his or her authorized agent. Additional penalties may be imposed.

E. Redemption or Adoption and Vaccination:

1. An owner redeeming an unvaccinated dog or cat over four (4) months of age, or any person adopting a dog or cat over four (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 animal from McHenry County Animal Control. Dogs or cats 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.

2. 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 a dog or cat with or without charge or a donation must pay for the rabies vaccination of such dog or cat and registration if applicable.

F. 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, public 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 or police dogs.

G. 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.

H. 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.

I. Accumulation of Feces: No person shall allow any dog, cat, or other companion animal's excrement or waste to accumulate in any yard, pen or premises in or upon which a dog, cat, or other companion animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing dog, cat, or other companion animal.

J. Removal of Feces: No person shall fail to remove animal waste deposited by their dog, cat, or other companion animal, 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.

K. Barking Dogs: No owner or person in unincorporated McHenry County in the possession, custody or control of a dog, shall allow the dog to bark, whine, howl or emit loud noises day or night in an excessive, continuous manner and/or at an untimely hour so as to disturb the peace and quiet of any person, place or neighborhood. Any dog emitting such noises shall be deemed and considered to be a public nuisance. Any person who shall fail, neglect or refuse to abate such nuisance after notice thereof, shall, be deemed to have committed a violation of this Ordinance and be subject to like penalty as such.

L. Destruction of Livestock: Any owner seeing his or her livestock, (including but not limited by enumeration 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 it is presenting a threat.

M. Claims for Destruction of Livestock:

1. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry or other livestock 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 the owner is a resident of this State and such injury or killing is reported to the Animal Control Administrator within twenty-four (24) hours after such injury or killing occurs, and the owner provides an affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the name of the owner of the dog causing such killing or injury, if known. The damages referred to in this Section shall be substantiated by the Animal Control Administrator through prompt investigation and by not less than two (2) witnesses. The Animal Control Administrator 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.

2. The Animal Control 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 or other livestock killed, 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.

N. Claims for Destruction:

1. 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.

    h. Other livestock species: $50.00 per head

2. 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 (510 ILCS 5/7) (from Ch. 8, par. 357) Sec. 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.

3. 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.

O. Dead Animals: Any person having a dead animal or parts of a dead animal, within their possession or control or upon any premises owned or occupied by such person shall dispose of said animal or animal parts, in compliance with the Illinois Dead Animal Disposal Act within twenty-four (24) hours.

P. Managed Feral Cat Colony:

1. 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 under a department approved organization.

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

    a. Register the colony with a department approved organization, licensed by the Illinois Department of Agriculture. The approved organization must file reports including but not limited to location of colonies with Animal Control as requested.

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

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

        (1) Health examination; Rabies vaccination; Left ear-tipping; Microchipping to the approved organization; and Sterilization.

        (2) Removal of kittens and adoptable adult newcomers;

    d. Have written educational material, which shall be provided for all caregivers. This shall include uniform standards and procedures for colony maintenance, as well as public health, occupational safety and environmental issues.

    e. Provide notification to Animal Control as requested the street a colony is located.

    f. All cages, traps and carriers used for colonies must be clearly marked with organization's name and phone number.

    g. Remove sick or injured cats from the colony and euthanize, provide medical care, isolate indoors or put in a barn cat program.

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

Q. Removal of Colony by Animal Control:

1. The Department has the right to 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. In the event the caretaker and/or approved organization fails to comply with the requirements of this section.

c. Any and all fees and fines incurred as a result of the Department having to trap, remove, board or provide other services are the responsibility of the approved organization.

2. When feasible the colony manager and the approved organization will be notified by the Department at least 48 hours before removal of any animal from the colony.

R. Nuisance wildlife

1. Any person wishing to remove nuisance wildlife from his or her property must obtain a license or permit from the Illinois Department of Natural Resources or hire a properly licensed or permitted individual or corporation for nuisance wildlife removal.

2. This section does not apply to furbearer trapping as regulated by the Illinois Department of Natural Resources.

§ 8.04.880 BITING ANIMALS

A. Biting Dogs, Cats or Other Animals: 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 Animal Control Administrator immediately of the identity and contact information of the victim(s) and owner(s) of such biting dog, cat, or other animal, if known

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

2. It is unlawful for the owner of such biting dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Animal Control Administrator. If such instructions cannot be delivered in person or left at the owner's residence, they shall be mailed to the owner by regular mail. The affidavit or testimony of the Animal Control Administrator delivering or mailing such instruction is prima facie evidence that the owner of such dog, cat, or other animal was notified of his or her responsibilities.

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

4. A first offense bite fine of fifty dollars ($50) shall be assessed to the owner of a biting animal. If the biting animal inflicts another bite on a person, a second offense bite fine of one hundred dollars ($100) with a third and subsequent biting offense fine of two hundred dollars ($200) up to five hundred dollars ($500). Failure to pay the bite fine is a separate violation of the ordinance and will result in an additional fine.

B. Physician Verification: It is within the scope of this Ordinance that the Animal Control Administrator may request physician verification of the reported bite.

1. If the victim of a reported bite later states that the bite was not in fact a bite, but a scratch or puncture from something other than a tooth, the victim must have a physician send a written statement or notification for the cause of injury.

C. Rabies Observation Period:

1. When the Animal Control Administrator receives information that any person has been bitten by an animal the Animal Control Administrator shall either:

    a. Impound the biting animal at the discretion of the Animal Control Administrator or his or her designee; or

    b. Require the owner to confine the biting animal under the direction of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident; or

    c. Require hospital confinement if:

        (1) The biting animal is more than four (4) months of age and is not currently vaccinated against rabies; or

        (2) 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 at large, or not adequately restrained by its owner; or requires confinement as deemed necessary by the Animal Control Administrator.

    d. Allow the biting animal to be confined on the premises of its owner in a manner that will prohibit it from biting any person if the Animal Control Administrator or a licensed veterinarian finds:

        (1) The biting animal is currently vaccinated for rabies; or

        (2) The biting animal is an unvaccinated dog or cat under the age of four (4) months; or

        (3) Hospital confinement is not practical or feasible. When a licensed veterinarian finds hospital confinement is not practical or feasible, he or she shall confer with the Animal Control Administrator.

2. When confinement of the biting animal is allowed in the home of the owner, the owner shall present the animal to a veterinarian for a rabies observation examination within twenty-four (24) hours of the bite; and return the animal to the veterinarian on the 10th day after the rabies observation. The animal's health shall be reported by the veterinarian to the McHenry County Department of Health's Animal Control on the first and tenth day of the observation period for rabies. All biting animals must be microchipped on the 10th day of the rabies observation period unless the owner has requested euthanasia of the biting animal. Such veterinarian shall report the clinical condition of the dog, cat or other animal immediately, with confirmation in writing to the Animal Control Administrator within twenty-four (24) hours after the dog, cat or other animal is presented for examination, giving the owner's name, address, the date and location of confinement, the animal's name, the breed description, age, microchip number, and sex of such dog, cat or other animal, on appropriate forms approved by the McHenry County Department of Health.

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

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

    b. The owner has requested euthanasia of the biting animal; or

c. The animal is deemed a stray by the Animal Control Administrator.

4. When an animal is confined for a period of less than ten (10) days, for one of the above three reasons, it shall be euthanized, and the brain submitted directly to a recognized laboratory for diagnostic testing.

D. Non – Compliance with Rabies Quarantine:

1. Failure to submit the biting animal to a veterinarian for rabies observation within one (1) business day constitutes a violation of this Ordinance. Each day of non-compliance will constitute a separate offense subject to fines.

2. 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.

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

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

E. 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 rabies quarantine 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. In the event the dog dies before the conclusion of the ten (10) day rabies quarantine period, the Animal Control Administrator must be informed of the event and the dog's body must be made available for diagnostic testing.

§ 8.04.890 RABIES - RABIES VACCINATION

A. Vaccination Requirement: Every owner of a dog or cat four (4) months or more of age, within the County of McHenry, Illinois, shall cause such dog or cat to be vaccinated by a licensed veterinarian with a prophylactic rabies vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture.

1. Any veterinarian vaccinating an animal for rabies shall record the vaccination on the National Association of State Public Health Veterinarians Form 51, or a form substantially equivalent as determined by the Animal Control Administrator or his or her designee, and sign the document.

2. Any veterinarian who vaccinates an animal for rabies shall send a copy of the vaccination certificate to the Department.

B. 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.

C. Exposed Animals: Whenever reasonable probability exists that a domestic animal has been exposed to a known or suspected rabid animal, the exposed animal shall be handled in a manner as recommended by the National Association of State Public Health Veterinarians.

D. Dog or Cat Quarantine:

1. 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 Animal Control 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 Illinois Department of Agriculture 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.

2. 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.

3. The Animal Control 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 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.

4. 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 Illinois Department of Agriculture Health Authority so designates.

E. Animal with Rabies:

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

2. Any owner or veterinarian who suspects that a dog, cat or other animal died from rabies shall immediately report such fact to the Animal Control Administrator and the animal's body made available for diagnostic testing.

§ 8.04.900 EXOTIC ANIMALS – WILDLIFE

A. 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.

B. Domestication No Defense: It is no defense to a violation of this Ordinance that the keeper of any animal which is prohibited by this Ordinance has attempted to domesticate such animal.

C. Wildlife Domestication: No person shall keep, or permit to be kept, or domesticate any wildlife contrary to Federal, State and local laws, and regulations.

D. Indigenous Wildlife: No person shall be permitted to own, harbor or keep in his or her custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading the animal as a pet, irrespective of holding a fur-bearing mammal permit or game breeders permit from the Illinois Department of Natural Resources. Fur-bearing farms are exempt from this requirement provided that the operation meets the requirement of state and county regulations.

E. Wildlife Hybrids: No person shall own or keep in their custody any domestic animal-wildlife hybrid such as coy dogs, wolf dogs, domestic cats bred to wild cats (e.g. Asian leopard cat, Geoffrey's cat, and bobcat) or any other wild canine or feline hybrid, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.

F. Rabies Vaccination of Wildlife: It is unlawful to vaccinate any wildlife or wildlife hybrid against rabies unless the vaccine manufacturer indicates a recommendation for that species. However, this is not construed to prohibit the use of a bait type rabies vaccine restricted for use by state and federal rabies control programs.

§ 8.04.910 FARM ANIMALS

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, and

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, and

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

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

§ 8.04.920 CRUELTY TO ANIMALS

A. Cruel Treatment:

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

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

B. Owner's Duties: 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 that is appropriate for the species to maintain good health and fresh, drinkable water (outdoor animals must have a constant supply of fresh water available);

2. Adequate shelter as all animals are to be kept in a clean, sanitary and healthy manner and are not confined so as to be forced to stand, sit or lie in its own excrement; and protection from the weather including quarters that are protected from excessive heat and cold;

3. Regular and sufficient veterinary care to prevent suffering and maintain health; provide the required rabies vaccination and if diseased or injured, or exhibiting symptoms of disease, provides proper veterinary care; and

4. Humane care and treatment: pens, kennels and runs must be of sufficient size to permit the animal to exercise and move about freely.

C. Sheltering: When a person or owner chooses to keep a companion dog confined outside, it must be in accordance with Owner's Duties (as listed above). A person or owner shall provide the dog with constant access to fresh, drinkable water and appropriate shelter. The dog shelter shall allow the dog to remain dry and protected from elements. The shelter shall have 4 sides, a solid roof sloped away from the entrance, and a dry floor raised above the ground. The shelter shall be placed to provide shade from the sun and protection from the weather.

During bouts of extreme cold the shelter must be just large enough for the dog to stand up and turn around when fully grown and allow retention of body heat, the entrance must be covered by a flexible wind-proof material, self-closing door or other form of wind block, and must contain clean, dry bedding, which must consist of an insulated material that does not retain moisture, such as straw or woodchips, of sufficient depth for the dog to burrow and nest. During bouts of extreme heat, the shelter must be shaded by trees, a tarp, or a tarp-like device to provide protection from weather related injuries.

D. Extreme Weather Conditions: No person or owner shall allow a companion dog to remain outdoors, tethered, or penned during a period of extreme weather. All dogs shall be provided access to a temperature-controlled shelter in accordance with Sheltering (see above), during cases of extreme weather as indicated above. In no instance shall a dog remain outdoors, tethered, or penned at or under the age of 6 months or while sick, injured or in distress.

E. 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.

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

1. Meets all requirements as laid out in the Illinois Humane Care for Animals Act, (510 ILCS 70/3) Section 3.b.; and

2. is not permitted while tethered to bark, whine, howl or make excessive noises so as to cause a nuisance; and

3. is not tethered if an unsupervised dog in estrus; and

4. is not tethered at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering.

G. Confinement in Motor Vehicle:

1. 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.

2. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Illinois Department of Agriculture licensed humane 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.

H. Abandonment:

1. No person or owner shall 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, exposure, or become a public charge. A public charge means any animal that becomes the financial responsibility of the County.

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

I. Poisoning:

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

2. This Section does not prohibit the use of a euthanasia drug by a euthanasia agency for the purpose of animal euthanasia, provided that the euthanasia drug is used by or under the direction of a licensed veterinarian or certified euthanasia technician, all as defined in and subject to the Humane Euthanasia in Animal Shelters Act.

J. Entertainment, Fighting or Baiting Animals: 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.

§ 8.04.930 VIOLATION OF § 8.04.920.

A. Violation: When a violation of **§ 8.04.920** of this Ordinance 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 forty-eight (48) hours may be granted in which to take corrective action.

B. Impounding Animals:

1. In the event that the Animal Control 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 Animal Control Administrator may impound the animal(s).

2. If a violator fails or refuses to take corrective action necessary for compliance with **§ 8.04.920** of this Ordinance, the Animal Control Administrator may impound the animal(s).

3. If the animal is impounded, it shall be impounded at a 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.

4. 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.

5. All costs relating to the impoundment of the animal shall be borne by the owner.

C. Notice of Impoundment:

1. A notice of impoundment shall be given by the Animal Control 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 Public Health Ordinance, Article I, **§ 8.04.040** within seven (7) business days after notice of impoundment of the animal(s).

2. Return to the owner may be denied or withheld until the owner has made full payment for all expenses incurred and for any accrued charges, including any fees, fines, or tickets owed by the owner(s) as defined in Article I of this Ordinance, of the subject animal

3. If the impoundment is not appealed, within seven (7) business days of the notice of impoundment, the animal is forfeited by operation of law and the Animal Control Administrator may lawfully and without liability provide for adoption of the animal, or the animal may be made available to a licensed humane society or rescue group, or it may be humanely euthanized in accordance with the Illinois Euthanasia in Shelters Act. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animals may not adopt it.

4. 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.

D. Posting Security for the duration of the appeal process: If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the animal(s), the Animal Control Administrator, or his or her authorized agent, 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 cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the animal(s) pending the determination. Reasonable expenses include,

but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the animal(s).

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

2. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (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.

§ 8.04.940 PENALTIES, FINES, AND REMEDIES

A. Fines:

1. Any person violating any provision of this Ordinance, or aiding in or abetting a violation, 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 Animal Control Administrator or his or her designated agents in enforcing this Ordinance shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00).

2. Each day upon which such violation continues shall constitute a separate violation.

3. Power to control nuisances

    a. Inspections after or Limiting defendant's domestic animals after:

        (1) a judicial or administrative finding of guilt, for any of the offenses in this Article;

        (2) a guilty plea, whether entered in judicial or administrative proceedings, to any of the offenses in this Article;

        (3) any impoundment of any animal for a violation of § 8.04.920; or

        (4) a settlement of a violation of this Article.

    b. Inspections: At the discretion of the judge, McHenry County Animal Control shall be entitled to one or more inspections every 3 months of the property of any defendant convicted of any animal nuisance, animal cruelty, dangerous or vicious dog declaration, or other Reckless Owner violation as defined in **Article I Definitions.**

    c. Limiting: Upon recommendation of the Animal Control Administrator, the court may, in its discretion, set the number of domestic animals that a defendant may care for during the three years following an outcome as listed above.

4. The minimum fine for failure to register a dog or cat in accordance with the requirements of this ordinance shall not be less than one hundred dollars ($100.00) for the first offense and no less than two hundred dollars ($200.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

5. The minimum fine for failure to vaccinate a dog or cat in accordance with the requirements of this ordinance shall not be less than two hundred dollars ($200.00) for the first offense and no less than three hundred dollars ($300.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

6. The minimum fine for an animal running at large on school property or at a daycare facility shall be not less than four hundred dollars ($400.00) for the first offense and no less than five hundred dollars ($500.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

7. The minimum fine for a dog, cat or other animal running at large (except dog parks) when an Animal Control Officer intervenes shall be no less than one hundred fifty dollars ($150.00) for the first offense, no less than three hundred dollars ($300.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

8. The minimum fine for all dogs, cats or other animals reported to be running at large (except dog parks) with no Animal Control Officer intervention shall be not less than one hundred dollars ($100.00) for the first offense, no less than two hundred dollars ($200.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense Each day upon which a violation is not rectified constitutes a separate violation.

9. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious running at large shall be no less than two hundred dollars ($200.00) for the first offense, no less than four hundred dollars ($400.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

10. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious violating the Animal Control Administrator's order as outlined in this ordinance shall be no less than five hundred dollars ($500.00) for the first offense, no less than eight hundred dollars ($800.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

11. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious out of compliance with the requirements of **§ 8.04.840 (county dog registration)** shall not be less than three hundred dollars ($300.00) for the first offense, no less than four hundred dollars ($400.00) for the second offense and increasing up to one thousand dollars ($1,000.00) for subsequent offenses. Each day upon which a violation is not rectified constitutes a separate violation.

12. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious out of compliance with the requirements of **§ 8.04.890 (dog rabies vaccination)** shall not be less than five hundred dollars ($500.00) for the first offense and no less than six hundred dollars ($600.00) of the second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

13. The minimum fine for failure to comply with the rabies initial observation or release requirements in **§ 8.04.880** of this Ordinance shall be no less than two hundred dollars

($200.00) for each offense. Each day upon which a violation is not rectified constitutes a separate violation.

14. Failure to pay the bite fine of fifty dollars ($50.00) within thirty (30) days of request shall constitute a separate violation of the Ordinance. The minimum fine for failure to remit payment of a bite fine in accordance with the requirements in **§ 8.04.880** of this Ordinance shall not be less than one hundred fifty dollars ($150.00) for the first offense and no less than two hundred fifty dollars ($250) second offense and increasing up to one thousand dollars ($1,000.00) for each subsequent offense. Each day of which a violation is not rectified constitutes a separate violation.

B. Remedies:

1. In addition to any other remedy that 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 violation of, any provision of this Ordinance. Said ticket shall require the offender to pay the minimum fine as set forth herein.

2. In lieu of a ticket, or if such ticket remains unpaid, a Notice to Appear in the McHenry County Circuit Court may be served on any person who violates, or aids in or abets, the violation of, any provision of this Ordinance. The Animal Control Administrator, or his or her designee, shall serve as the Code Enforcement Officer, as that term is used in Illinois Supreme Court Rules regarding ordinance violations, and may sign and deliver any such Notices to Appear. Service of the Notices to Appear may be done via hand delivery, first-class mail, or certified mail.

3. For any violation of this Ordinance in which the Animal Control Administrator determines that an Owner's continued failure to comply with a provision of the Ordinance constitutes either a public health and/or safety threat, a public nuisance, or public charge, the Department is authorized to impound the animal. All costs relating to the impoundment of the animal shall be borne by the owner.

    a. A notice of impoundment shall be given by the Animal Control 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 the violation(s) at issue, 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 Public Health Ordinance, Article I, **§ 8.04.040** within seven (7) business days after notice of the impoundment of the animal(s).

    b. Return to the owner may be denied or withheld until the owner has made full payment for all expenses and fees incurred and remedied the violation for which the animal(s) has been impounded

    c. If the impoundment is not appealed, within seven (7) business days of notice of the impoundment, the animal is forfeited by operation of law and the Animal Control Administrator may lawfully and without liability provide for adoption of the animal, the animal may be made available to a licensed humane society or rescue group, or it may be humanely euthanized in accordance with the Illinois Euthanasia in

Shelters Act. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animals may not adopt it.

d. 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 arise from the violation(s).

e. If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the animal(s), the Animal Control Administrator, or his or her authorized agent, 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 cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the animal(s) pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the animal(s).

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

g. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (5) business days after the hearing. If the person ordered to post security does not do so, the animal is forfeited by operation of law.

§ 8.04.950 MISCELLANEOUS PROVISIONS

A. 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.

B. Responsibility: The Animal Control Administrator or his or her duly authorized representative 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.