



In-Place Health Services Committee

James Carius Community Room

Wednesday, April 24, 2024

During County Board Meeting

I. Roll Call

II. New Business

HS-24-13 1. Approve Feral Cat Trap Neuter Return Program

III. Recess

Members: Chairman Jay Hall, Greg Sinn, Sam Goddard, Jon Hopkins, Greg Longfellow,
Roy Paget, Sierra Smith

COMMITTEE REPORT

Mr. Chairman and Members of the Tazewell County Board:

Your Health Services Committee has considered the following RESOLUTION and recommends that it be adopted by the Board:

RESOLUTION

WHEREAS, the County’s Health Services Committee recommends to the County Board to approve a Resolution authorizing and approving Tazewell County Animal Control (TCAC) to utilize a Trap-Neuter-Return (TNR) program whereby TCAC’s staff manage feral cat populations in Tazewell County with the assistance of nonprofit and sponsoring organizations; and

WHEREAS, citizens of Tazewell County have expressed a need to address the feral cat population that currently exists in large numbers and roams free throughout Tazewell County with limited effective and comprehensive means of controlling their population; and

WHEREAS, TCAC currently addresses nuisances caused by feral cats through trapping and humane euthanasia; and

WHEREAS, Tazewell County recognizes the potential for TNR as a mechanism to reduce existing feral cat populations; and

WHEREAS, TCAC will use budgeted funds from the Population Control line for spaying and neutering of TNR candidate feral cats with the intention of expanding the pilot program if successful; and

WHEREAS, sponsoring organizations include the Tazewell County Animal Alliance 501c3, Best Friends Animal Society, Animal Protective League, and citizens of Tazewell County have volunteered to provide the TNR program with funding, equipment and resources; and

WHEREAS, the below language additions to the Tazewell County, Illinois Code of Ordinances will allow TCAC to implement this program:

§ 90.01 DEFINITIONS

FERAL CAT. A cat that (a) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (b) is a formerly owned cat that has been abandoned and is no longer socialized, or (c) lives on a farm.

State Law reference— Definitions, 510 ILCS 5/2.11b

OWNER. Any person 17 years of age or older; or parent or guardian of any person under the age of 17 years; or parent or guardian of an incapacitated person having a right of property in an animal; or who acts as custodian, cares for, keeps, feeds or knowingly permits an animal to remain on or about any premises occupied by such person; or a person who registers an inoculation certificate for an animal with the county.

"OWNER" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

§ 90.02 ANIMALS RUNNING AT LARGE PROHIBITED

(B) The provisions of division (A), shall not apply to:

(1) Dogs being used in hunting, field trials, and under the control of the owner or handler;

(2) Dog shows while on public lands set aside for those purposes;

(3) Blood hounds or other dogs used for tracking in conjunction with police activities;

(4) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the armed forces while being used to conduct official business or being used for official purposes; or

(5) Barn cats maintained under a barn cat caretaker license in accordance with other provisions of this section.

(6) A feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

§ 90.21 INOCULATION OF DOGS AND CATS

(A) Every owner of a dog or cat four or more months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the County Board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

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

against rabies, and the cost of the inoculation shall be paid by the person presenting the feral cat to a licensed veterinarian for care.

§ 90.22 INOCULATION TAGS.

(A) The owner of a dog or cat shall, within ten days after such dog or cat has been inoculated against rabies, procure an inoculation tag from the county. The cost of the tag shall be determined and set by the County Board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure. Valid rabies inoculation tags and certificates from other counties shall be honored while the animal is in transit or while the dog or cat is being kept in the county for 30 days or less.

This subsection (A) does not apply to feral cats.

§ 90.23 REGISTRATION FEES

The owner of animals in the county shall be charged the following registration fee(s):

(A) For an annual registration, \$16 for each animal which is neutered or spayed;

(B) For a three-year registration, \$42 for each animal which is neutered or spayed;

(C) For an annual registration, \$33 for each animal which is not neutered or spayed;

(D) For a three-year registration, \$75 for each animal which is not neutered or spayed;

(E) Replacement of a lost registration tag is \$3; and

(F) Late fees. Five dollars for each animal 30-59 days overdue on vaccination or registration. Ten dollars for each animal 60 days or more overdue on vaccination or registration.

(G) The provisions of this subsection shall not apply to feral cats.

THEREFORE BE IT RESOLVED that the County Board approve this recommendation.

BE IT FURTHER RESOLVED that the County Clerk notify the County Board Office, the Director of Animal Control, American Legal Publishing, and the Auditor of this action.

PASSED THIS 24th DAY OF APRIL, 2024.

ATTEST:

Tazewell County Clerk

Tazewell County Board Chairman

CHAPTER 90: ANIMALS

Section

90.01 Definitions

90.02 Animals running at large prohibited

90.03 Unattended animals to be securely fastened

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- 90.38 Declaration of vicious dog
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- 90.41 Redemption by owner or owner's delegate
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- 90.43 Fines and fees paid into Animal Control Fund

- 90.99 Penalty

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

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

ANIMAL. Every non-human species of animal, both domestic and wild.

ANIMAL CONTROL FACILITY. Any facility approved by the Administrator for the purpose of enforcing the Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

ANIMAL CONTROL OFFICER. Persons appointed by the Administrator in such number as authorized by the County Board to perform duties assigned by the Administrator set forth in this chapter.

ANIMAL SHELTER MANAGER. Manager or Director of the animal shelter, animal control, and rabies control.

AT LARGE. Any animal when it is off the premises of its owner's real property and not restrained by a competent person. However, if an animal under the control of a city/county official or veterinarian escapes and runs loose, it shall not be considered AT LARGE.

BITE or BITING. The infliction of a break in the skin or a wound by the teeth of an animal.

CAT. All domestic members of the feline family felis catus.

COMPETENT PERSON. A person 11 years of age or older, capable of physically controlling the animal in question and to whose command the animal is obedient.

CONFINE. Physical restraint of an animal by a fence, structure, chain, rope, or other means of a sufficient strength or construction to restrain the animal in question.

DANGEROUS DOG. Any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and imminent threat of serious physical injury or death to a person or a companion animal.

DEPARTMENT. The Department of Agriculture of the state.

DEPUTY ADMINISTRATOR. A veterinarian licensed by the State of Illinois, appointed by the Administrator.

DIRECTOR. The Director of the Department of Agriculture of the state, or his duly appointed representative.

DOG. All domestic members of the canine family canis familiaris.

DOMESTIC ANIMAL. The following are considered to be DOMESTIC ANIMALS:

- (1) Dogs (not including hybrids of dogs);
- (2) Cats (not including hybrids of cats);
- (3) Domestic rodents (guinea pigs, hamsters, white rats, white mice);
- (4) Farm animals (any member of the swine, ovine, caprine, bovine, or equine families, poultry or rabbits);
- (5) Non-life-threatening, non-poisonous reptiles or amphibians;

- (6) Non-poisonous, non-life-threatening fish;
- (7) All birds, except those protected as wild birds by state or federal statutes; and
- (8) Ferrets.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ENCLOSURE. A fence or structure of at least six 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. 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. Such enclosure must be approved by the Administrator.

EXOTIC ANIMAL. Any non-domestic animal not native to the state.

FERAL CAT. A cat that (a) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (b) is a formerly owned cat that has been abandoned and is no longer socialized, or (c) lives on a farm.

State Law reference— Definitions, 510 ILCS 5/2.11b

HAS BEEN BITTEN. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. The phrase further includes contact of saliva with any break or abrasion of the skin.

HEARING OFFICER. An individual designated by the county to hear and decide complaints concerning the enforcement of the provisions of this chapter.

INOCULATIONS AGAINST RABIES. The injection of an anti-rabies vaccine approved by the Department.

KITTENS. All members of the family felis catus domesticus, male or female, under the age of four months.

LEASH. A cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

LICENSED VETERINARIAN. A veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

MANAGER. The person appointed by the County Board to manage the county animal shelter.

OWNER. Any person 17 years of age or older; or parent or guardian of any person under the age of 17 years; or parent or guardian of an incapacitated person having a right of property in an animal; or who acts as custodian, cares for, keeps, feeds or knowingly permits an animal to remain on or about any premises occupied by such person; or a person who registers an inoculation certificate for an animal with the county.

"OWNER" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

PEACE OFFICER. Shall have the meaning ascribed to it in 720 ILCS 5/2-13.

PERSON. Any individual, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the state, or any other business unit.

PHYSICAL INJURY. The impairment of physical condition.

POLICE ANIMAL. An animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

POTENTIALLY DANGEROUS DOG. A dog that is unsupervised and found running at large with three or more other dogs.

POULTRY. Domesticated birds raised for show, eggs, or meat.

PUPPY. All members of the canine family *canis familiaris*, whether male or female, under four months of age.

REDEMPTION FEE. Costs incurred when impounding an animal, which include the handling and processing of the animal's entry and exit into the animal shelter. This fee shall not include boarding, medical or transportation costs incurred by the shelter in keeping such animal.

REGISTRATION CERTIFICATE. A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this Act.

RESTRAINT. Any animal that is not found on the property of its owner when it is:

- (1) Controlled by a line or leash not more than six feet in length, when such line or leash is held by a competent person;
- (2) Controlled by a leash of 50 feet or less during a training session conducted by a competent person;
- (3) Confined within a motor vehicle; or
- (4) Confined in a cage or other animal carrier.

SECURE ENCLOSURE. A structure of sufficient height and construction that does not allow contact between the animal confined and other animals or persons.

SERIOUS PHYSICAL INJURY. A physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

STERILIZED. The surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of producing.

TAG. A serially numbered medallion approved by the department to be issued, at a fee set by the County Board, as evidence of inoculation against rabies. Also required for animals exempt by a veterinarian for being vaccinated against rabies.

TETHERING. To restrain a dog by tying the dog to any object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line by any means, including, without limitation, a chain, rope, cord, leash or running line. TETHERING shall not include using a leash to walk a dog.

TOW CHAIN or LOG CHAIN. Any chain that is more than one-quarter of an inch in width.

VICIOUS DOG. A dog that bites a person, attacks a person, or causes physical injury, serious physical injury, or death; or any individual dog that has been found to be a "dangerous dog" upon three separate occasions; or any individual dog that has killed a companion animal while off the premises of its owner.

WILD ANIMAL. Any living member of the animal kingdom (including exotic animals) for which no rabies vaccine is approved, other than a domestic animal.

(Ord. E-19-97, passed 5-29-2019)

§ 90.02 ANIMALS RUNNING AT LARGE PROHIBITED.

(A) The owner of any animal shall keep such animal confined or under restraint at all times when it is off the premises of the owner's real property, and shall not permit such animal to be at large. Dogs trained for law enforcement under the control of a peace officer in the performance of duty shall not be required to be confined or under restraint.

(B) The provisions of division (A), shall not apply to:

- (1) Dogs being used in hunting, field trials, and under the control of the owner or handler;
- (2) Dog shows while on public lands set aside for those purposes;
- (3) Blood hounds or other dogs used for tracking in conjunction with police activities;
- (4) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the armed forces while being used to conduct official business or being used for official purposes; or

(5) Barn cats maintained under a barn cat caretaker license in accordance with other provisions of this section.

(6) A feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

(C) A dog or cat found running at large contrary to the provisions of this chapter a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered. Failure to comply with this section shall be a violation of law and shall result in the Administrator or Deputy Administrator ordering the dog impounded and the dog's owner paying a \$50 fine, to be deposited into the Animal Control Fund. If the animal is impounded a subsequent time and not sterilized, he/she must be sterilized at the owner's expense before being released from animal control.

(D) Every animal running at large or stray animal within the county may be impounded by the Animal Shelter Manager or delegate, the police, or private citizen. Once the animal has been impounded at the animal shelter, it may be released only after payment of any adjudicated fines owed for violation of this chapter, any redemption/adoption fees that are set forth in this chapter, and if the animal was not inoculated against rabies as required by this chapter when impounded, any inoculation and registration cost incurred by the animal shelter to inoculate and register the animal.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.03 UNATTENDED ANIMALS TO BE SECURELY FASTENED.

It shall be unlawful to leave any horse or other draft animal unattended in any street without having the animal securely fastened.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.04 BURIAL OR THROWING OF ANIMALS INTO THE STREETS; KEEPING.

(A) No person shall leave or throw into any place, street, or public water, or offensively expose or bury anywhere within the county, the body, or any part thereof, of any dead or fatally sick or injured animal.

(B) No person shall keep any dead animal, or any offensive meat, bird, fowl, or fish in a place where the same may be dangerous to the life or detrimental to the health of any person.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.05 RESTRICTIONS ON TETHERING A DOG.

(A) It shall be unlawful for an owner to tether a dog outdoors unless the following conditions are met.

(1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.

(2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate water and shelter.

(3) A dog must be tethered in such a manner as to prevent injury, strangulation, or entanglement, and the tether must be at least ten feet long.

(4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.

(5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.

(6) No dog shall be tethered within 200 yards of a school.

(7) No person shall permit at any time a tethered dog to bark, whine, howl, or make excess noises so as to cause a nuisance.

(8) No dog shall be tethered with a log chain or a tow chain.

(9) No dog shall be tethered in such a manner so as to allow it to reach or remain on public property or public right-of-way, such as a sidewalk or street.

(B) Failure to comply with this section is a violation for which the Animal Control Administrator or delegate may impound the animal. Such animal may be redeemed by the owner upon payment to the Animal Control Administrator of the lawful fees accrued pursuant to this chapter, after showing an ability to conform to the provisions of this section.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.06 HUMANE CARE OF ANIMALS.

No owner shall fail to provide his/her animal with:

(A) Sufficient, nutritious food;

(B) Fresh, clean water at all times;

(C) A shelter which has four sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather; and

(D) Regular and sufficient veterinary care to prevent suffering and maintain health.
(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.07 ABANDONMENT PROHIBITED.

It shall be unlawful for any person to abandon any animal within the county.
(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.08 ACTS OF CRUELTY TO ANIMALS PROHIBITED.

Unless justifiable in defense of person or property, no person shall:

- (A) Kill, wound, or attempt to kill or wound any domestic animal;
- (B) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the state;
- (C) Beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse a domestic animal;
- (D) Cause, instigate, permit, or attend any dogfight, cockfight, bullfight, or other combat between animals and humans;
- (E) Crop an animal's ears, an animal's tail, or perform similar surgeries except as a licensed veterinarian of the state; or
- (F) Allow any animal to remain unattended in a motor vehicle by a competent person when the animal's life, health, or safety is threatened.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.09 IMPOUNDMENT OF VICTIMIZED ANIMALS; OWNER'S APPEAL.

(A) In the event that the Animal Shelter Manager or delegate finds a domestic animal to be a victim of cruelty, neglect, or abandonment as defined by §§ 90.06 through 90.08, he/she shall have the right to remove or cause to have removed any such animal to a safe place for care, or to euthanize such animal when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified in this section does not relieve the owner of liability for violations and for any accrued charges.

(B) The owner of an animal that has been impounded may appeal, in writing, the impoundment to the Administrator within seven days of impoundment. The Administrator

will appoint a hearing official and, after proper notice, a hearing shall be held to determine if such animal was the victim of cruelty, neglect, or abandonment. The hearing officer may find that the animal is a victim of cruelty, neglect, or abandonment if:

(1) Such animal was abandoned;

(2) Such animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather, or veterinary care to prevent suffering; or

(3) Such animal was a victim of an act cited in § 90.08.

(C) If the hearing officer finds that the animal is a victim of cruelty, neglect, or abandonment, then he shall order appropriate remedies, including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return such animal to the owner, and shall assess all costs to the owner for enforcement of the appropriate remedy, and for impoundment and boarding of the animal.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.10 DISEASED AND INJURED ANIMALS.

(A) No diseased or sickly horse, cow, hog, dog, cat, or other animal, nor any that has been exposed to any disease that is contagious among such animals, shall be brought into the county unless under veterinary care.

(B) Any animal, being in any street or public place within the county, appearing, in the estimation of the Animal Shelter Manager or delegate, or any inspector of the County Health Department, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or as he may direct.

(C) No person, other than inspectors or officers of the County Health Department or law enforcement officers, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick, or injured animal in such street or place. No person shall skin or wound such animal in any street or public place, unless to terminate its life as herein authorized; except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or an inspector of the County Health Department or the Animal Shelter Manager or delegate.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.11 DEAD ANIMALS PROHIBITED.

(A) No person shall:

(1) Allow the body or any part thereof, of any dead animal to decompose and putrefy by remaining on his property; or

(2) Skin, dismember, butcher, dress or exhibit any dead animals in view of the public in residentially used areas of the county.

(B) The owner of an animal shall be responsible for the disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.12 LIVE ANIMALS FOR RESEARCH PROHIBITED.

No live animals in the possession of the animal shelter shall be released, sold, or given to any institution or private firm or individual for the purposes of medical or scientific research.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.13 REPORTING ANIMAL BITES REQUIRED.

Persons having knowledge of someone being bitten by an animal must report such information to the animal shelter or the Police Department within 24 hours.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.14 HARBORING STRAY ANIMAL RESTRICTED.

No person shall harbor, keep, care for, feed, or allow remaining on their property any stray domestic animal without notifying the animal shelter within 48 hours.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.15 LIBERATION OF OWNED ANIMALS PROHIBITED.

No person shall remove from restraint or release from confinement any animal belonging to another person, unless in an emergency or with the consent of the owner.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.16 LIBERATION OF IMPOUNDED OR CAPTURED ANIMALS PROHIBITED.

It shall be unlawful for any person to liberate or attempt to liberate any animal impounded under the provisions of this chapter from a place of confinement or from within a vehicle used for confinement and conveyance to the animal shelter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.17 INTERFERENCE WITH ANIMAL SHELTER PERSONNEL.

It shall be unlawful for any person to obstruct, impede, or interfere with the Animal Shelter Manager or any of his delegates or the police in the performance of their duties, or to prevent or attempt to prevent the Animal Shelter Manager or any of his delegates or the police from capturing or impounding any animal within the county.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.18 PROVOKING ANIMALS PROHIBITED.

It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provisions of this chapter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.19 REMOVAL OF WASTE.

The owner of any animal shall promptly remove any deposit of such animal's waste wherever it may exist in the county.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.20 ANIMAL CONSIDERED A NUISANCE.

(A) No person shall own, possess, or harbor a nuisance animal within the county. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if such animal:

- (1) Damages real or personal property other than the owner's;
- (2) Causes unsanitary, dangerous, or unreasonably offensive conditions;
- (3) Causes a disturbance by excessive barking, caterwauling, or other noise-making. A public nuisance shall be rebuttably presumed when an animal continuously emits noise which can be heard within a residence or other occupied building for 20 or more consecutive minutes;

(4) Chases vehicles;

(5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner; or

(6) Chases, molests, attacks, bites or interferes with other animals while off the premises of the owner.

(B) The Animal Shelter Manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of division (A) of this section and not restrained by a competent person. Failure to comply with division (A) of this section shall be a violation of law for which, upon conviction thereof, the owner of such animal shall be penalized \$300 for the first violation, \$600 for the second violation, and \$1,000 for the third and each subsequent violation. This section requires the support of the complainant for the issuance of a violation.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.21 INOCULATION OF DOGS AND CATS.

(A) Every owner of a dog or cat four or more months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the County Board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

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

(B) The veterinarian administering the vaccine shall cause the certificate of inoculation to be distributed as follows:

(1) Two copies shall be given to the owner at the time of inoculation;

(2) One copy shall be filed with the office of the Administrator, or such place as the County Board shall designate, within 30 days after the date of inoculation; and

(3) One copy shall be retained by the veterinarian administering the inoculation for a period of five years, or such period as set by the department or the County Board.

(C) The type and brand of rabies vaccine used shall be licensed by the U.S. Department of Agriculture and approved by the department.

(D) Every owner of a dog or cat shall comply with the provisions of sections §§ 90.21 through 90.23. Any person who violates these sections shall pay a penalty of \$25 for the first violation, \$50 for the second violation occurring within a 12-month period, and \$200 for the third and each successive violation within a 12-month period. Each day a person fails to comply constitutes a separate offense.

(E) If an animal is not inoculated and registered, said animal shall be impounded by the Animal Shelter Manager or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this code.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.22 INOCULATION TAGS.

(A) The owner of a dog or cat shall, within ten days after such dog or cat has been inoculated against rabies, procure an inoculation tag from the county. The cost of the tag shall be determined and set by the County Board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure. Valid rabies inoculation tags and certificates from other counties shall be honored while the animal is in transit or while the dog or cat is being kept in the county for 30 days or less.

This subsection (A) does not apply to feral cats.

(B) If an animal is not registered, such dog or cat may be impounded by the Animal Shelter Manager or delegate and may be redeemed or disposed of in accordance with the provisions of this chapter.

(C) The provisions of this section shall not apply to barn cats maintained under a barn cat caretaker license in accordance with other provisions of this chapter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.23 REGISTRATION FEES.

The owner of animals in the county shall be charged the following registration fee(s):

- (A) For an annual registration, \$16 for each animal which is neutered or spayed;
- (B) For a three-year registration, \$42 for each animal which is neutered or spayed;
- (C) For an annual registration, \$33 for each animal which is not neutered or spayed;
- (D) For a three-year registration, \$75 for each animal which is not neutered or spayed;
- (E) Replacement of a lost registration tag is \$3; and

(F) Late fees. Five dollars for each animal 30-59 days overdue on vaccination or registration. Ten dollars for each animal 60 days or more overdue on vaccination or registration.

(G) The provisions of this subsection shall not apply to feral cats.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.24 BARN CAT CARETAKER LICENSE REQUIRED.

(A) Barn cat caretakers may obtain an annual license from the county by no later than January 31 of each year. Licensees shall pay an annual renewal fee of \$10.

(B) An applicant for and holder of a barn cat caretaker license shall conform to the following requirements:

(1) All cats over four months of age must receive an inoculation against rabies;

(2) All cats must be spayed or neutered;

(3) All cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, shelter and protection from the weather, and sufficient veterinary care to prevent suffering;

(4) The applicant shall not have been found guilty of more than three violations of this chapter within the previous three years from the date of application; and

(5) The applicant shall pay the county a fee of \$10.

(C) Obtaining a barn cat caretaker license shall exempt such licensee from payment of county registration fees for each cat owned by him.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.25 REVOCATION OF BARN CAT CARETAKER LICENSE.

(A) Upon conviction of a second violation of the requirements of this chapter, the Animal Shelter Manager or delegate may revoke the barn cat caretaker license for a period of not less than three months nor more than five years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license.

(B) Upon revocation of the license, the Administrator or Deputy Administrator may order the barn cats impounded and the owner shall relinquish ownership of his barn cats to the animal shelter, unless he otherwise comes into compliance with the requirements this chapter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.26 CONFINEMENT OF ANIMAL WHICH HAS BITTEN SOMEONE.

(A) When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his/her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of ten days. 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 of such dog or other animal, on appropriate forms approved by the department. The Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the department. Dogs or other animals that are not currently inoculated against rabies within the time prescribed by law must be confined at a veterinarian office or county animal control.

(B) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten days, if the Administrator, adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by a licensed veterinarian.

(C) When such dog or other animal has been examined by a licensed veterinarian, at the end of the confinement period and released from confinement, said animal shall be microchipped at the owner's expense at the time of examination. The owner shall notify the Administrator of the microchip number within 72 hours.

(D) Every wild animal which has bitten a person shall be humanely destroyed immediately and a necropsy performed.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.27 DUTIES OF OWNERS OF RABID OR BITING ANIMALS.

(A) The owner of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten days, unless officially authorized by the Administrator, in writing, to release it sooner.

(B) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator immediately. 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, or his authorized representative.

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

(D) Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

(E) For the purpose of this section, the word IMMEDIATELY means by telephone, in person, or by some other means, but does not include the use of the mail.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.28 REIMBURSEMENT TO ANIMAL BITE VICTIMS.

The county is not obligated to pay to any person or resident of the county from the Animal Control Fund any amount for the purchase of human rabies antiserum, the purchase of human vaccine, any costs for the administration of the serum or vaccine, or any amount for medical care which may have been provided to human bite victims.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.29 LIABILITY OF ANIMAL OWNERS.

Owners of animals shall be liable for any damage done by their animals to persons, other domestic animals, or other person's property.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.30 CONFINEMENT OF FEMALE DOG OR CAT IN HEAT.

The owner of any female dog or cat in heat shall confine such animal in a building or secure enclosure. The failure to do so is a violation of law and will allow the Manager of the Animal Shelter or delegate to impound such animal and to hold such animal until redeemed/adopted pursuant to this chapter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.31 DUTIES OF DRIVER OF MOTOR VEHICLE STRIKING ANIMAL.

Any person whose motor vehicle strikes a dog or cat within the county shall promptly report such occurrence to the animal shelter or Police Department with a description of the animal struck, condition of the animal, and the location of the striking.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.32 COLLAR REQUIRED.

No person shall own, possess, keep, maintain, or harbor any dog or cat over four months of age within the county without providing such dog or cat with a collar to be worn when said animal is outside a secure enclosure. Collars for dogs shall be of sufficient strength to control and restrain the animal without injury to the animal. Animals restrained by rope or chains must have collars.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.33 ATTACHMENT OF REGISTRATION TAGS.

The registration tag, issued pursuant to this chapter, requiring inoculation by a licensed veterinarian, shall be attached to the collar required by § 90.32.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.34 CONFINEMENT OF DOGS OUTSIDE LIMITED.

(A) No person shall place a doghouse, dog kennel, or other dog housing outside except in the rear yard.

(B) No person shall place a doghouse, dog kennel, or other dog housing or restraint in the rear yard unless such structure or restraint is at least ten feet from all property lines that have adjoining property. A dog trained for law enforcement while in the ownership of a law enforcement officer shall be exempt from the requirements of this section.

(C) The provisions of this section shall not apply to barn cats maintained under a barn cat caretaker license in accordance with other provisions of this chapter.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.35 DANGEROUS DOGS DETERMINATION.

(A) After a thorough investigation, including: sending notifications to the owner of the alleged infractions within ten business days of the Administrator or Director becoming

aware of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control officer, Deputy Administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, 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 delivered immediate notification of the determination in person or by registered or certified mail that includes a complete description of the appeal process.

(B) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

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

(2) The threatened person was abusing, assaulting, or physically threatening 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) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order:

(1) The dog's owner to pay a \$50 public safety fee, which shall be deposited into the Animal Control Fund, and a fine of not less than \$250 nor more than \$1,000;

(2) The dog to be microchipped and spayed or neutered within 14 days at the owner's expense, if not already; and

(3) 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 division; or

(b) The dog to be under physical control by an adult 18 years of age or older whenever the animal is off of the premises of its owner.

(D) The Administrator may order a dangerous dog to be muzzled whenever it is off of the premises of its owner 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.

(E) The Administrator may order the owner of a dangerous dog to maintain his animal under restraint and not allow his animal to be outdoors unless contained inside a physical fence that restricts the dog's access to the public way or leashed and under the control of its owner or another responsible person. The Administrator may order that the dog be prohibited from or under specified restrictions at dog parks.

(F) The Administrator may order the owner to display in a prominent place of the premises where a dangerous dog resides a clearly visible sign of appropriate size declaring that a dangerous dog resides at that location. The Administrator shall approve the design of the sign and may require additional signs located at other points of entry.

(G) The owner or custodian of the dog shall notify the animal shelter or the Administrator immediately in the event the dog is at large or has committed an attack on any person or animal or has died.

(H) No owner or keeper of a dangerous dog shall sell or give away the dog without notifying the Administrator.

(I) Whenever an owner of a dangerous dog relocates, he shall notify the Administrator. This includes owners of dogs declared dangerous in the county who are relocating to another county and owners of dogs declared dangerous in other counties who are relocating to Tazewell County.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.36 DANGEROUS DOG; 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.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.37 DANGEROUS DOG; APPEAL.

(A) The owner of a dog found to be a dangerous dog pursuant to this chapter by the Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedures, including the discovery provisions. After hearing both parties' evidence, the court may make a determination that the dog is a dangerous dog if the 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.

(B) The owner of a dog found to be a dangerous dog pursuant to this chapter by the Director may, within 14 days of receipt of notification of the determination, request an

administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the State Department of Agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the county wherein the person resides, or in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrator review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(C) 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, the court, or the Director.

(D) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.38 DECLARATION OF VICIOUS DOG.

(A) In order to have a dog deemed "vicious" as defined in § 90.01, the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's Office and the owner.

(B) The Administrator, State's Attorney, Director or any citizen of the county 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. 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. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

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

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

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

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

(D) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties, provided the attack or injury to a person occurs while the dog is performing duties as expected.

(E) Vicious dogs shall not be classified in a manner that is specific as to breed.

(F) If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

(G) If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fee, which shall be deposited into the Pet Population Control Fund, and a fine of not more than \$1,000; the dog shall be microchipped and spayed or neutered within ten days of the finding at the expense of its owner, if not already; and the dog shall be subject to enclosure.

(H) If an owner fails to comply with the requirements of division (G), the Animal Control Manager shall impound the dog and the owner shall pay a fine of not less than \$500 nor more than \$1,000, plus impoundment fees, to the animal control facility.

(I) The judge has the discretion to order a vicious dog be euthanized.

(J) A dog found to be a vicious dog shall not be released to the owner until the Administrator, an animal control officer, or the Director approves the enclosure.

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

(L) 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 the Administrator of county animal control where he or she formerly resided.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.39 VICIOUS DOGS - CONFINEMENT, CONTROL, IMPOUNDMENT.

(A) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

- (1) If it is necessary for the owner or keeper to obtain veterinary care for the dog; or
- (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; and

(4) Provided that the dog is securely muzzled and restrained with a leash not exceeding six 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.

(B) 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, animal control officer, or the law enforcement authority having jurisdiction in such area.

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

(D) Upon filing a notice of appeal within 15 working days, 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, and all costs of the stay of the euthanasia order shall be borne by the owner. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an animal control officer, or the Director approves the enclosure as defined in this division.

(E) 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 division, each such dog shall be currently inoculated against rabies in accordance with § 90.21 (Section 8 of the Illinois Animal Control Act). It shall be the duty of the owner of such 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 such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(F) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter 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, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

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

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

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.40 IMPOUNDMENT.

(A) Every animal running at large or stray animal within the county may be impounded by the Animal Shelter Manager or delegate, the police, or private citizen. Once the animal has been impounded at the animal shelter, it may be released only after payment of any adjudicated fines owed for violation of this chapter, any redemption/adoption fees that are set forth in this chapter, and if the animal was not inoculated against rabies as required by this chapter when impounded, any inoculation and registration cost incurred by the animal shelter to inoculate and register the animal.

(B) Pursuant to the Illinois Animal Control Act, 510 ILCS 5/10, when dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip. If no microchip is found, a microchip shall be implanted prior to redemption and said implantation of the microchip shall be at the owner's expense.

(C) The Administrator shall give notice of not less than seven business days to the owner, if known, prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator or his deputy or agent who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.41 REDEMPTION BY OWNER OR OWNER'S DELEGATE.

(A) Upon receiving notice from the Administrator, it shall be the duty of the owner or delegate of such impounded dog or cat to immediately redeem same, unless such dog or cat has been impounded for:

- (1) Biting some person;
- (2) Being afflicted with rabies;
- (3) Being suspected of being afflicted with rabies; or
- (4) Being a dangerous animal pursuant to this chapter.

(B) If the owner of the impounded dog(s) or cat(s) desires to make redemption thereof, he shall redeem his animals within 72 hours of the date and time of notice, excepting weekends (Saturday and Sunday) and holidays, by presenting to the Animal Shelter Manager or delegate the following:

- (1) Proof of current rabies inoculation and registration, or payment for the inoculation and registration costs incurred by the animal shelter to inoculate and register the dog(s) or cat(s);

(2) Payment for all lawful fees accrued pursuant to this chapter for impounding such dog(s) or cat(s), including redemption, boarding, inoculation, registration, and medical fees accrued;

(3) Payment for implantation of a microchip, if applicable; and

(4) Paying all adjudicated fines and fees owed for violation of this code.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.42 FEES.

(A) The redemption fee for any animal impounded at the animal shelter, except dogs and cats, shall be \$12 per day.

(B) In addition to the redemption fees to be charged for every animal impounded, except dogs and cats, the owner or redeemer of such animal shall pay the animal shelter for the cost of transporting it, boarding for the entire period that it was impounded, and all medical charges which have accrued as a result of medical treatment, and any adjudicated fines and fees owed for violation of this chapter. These redemption, boarding, and medical costs shall be paid even if the animal is not redeemed by the owner.

(C) The public safety fee for any dog impounded at the animal shelter shall be \$50. The public safety fee for any cat impounded at the animal shelter shall be \$25.

(D) In addition to the public safety fee a redemption fee for any registered dog or cat impounded at the animal shelter shall be \$30. The redemption fee for any unregistered dog or cat impounded at the animal shelter shall be \$45. If the dog or cat was impounded within the corporate limits of a municipality with a current contract with Tazewell County Animal Control, the redemption fee for any registered dog or cat shall be \$10. The redemption fee for any unregistered dog or cat shall be \$15.

(E) In addition to the redemption fees to be charged for every dog or cat impounded, the owner or redeemer of such dog or cat shall pay the animal shelter for cost of transporting it, a boarding fee of \$12 per day for the entire period that it was impounded, with the exceptions of weekends and holidays, and all medical charges which have accrued as a result of medical treatment. These redemption, boarding, and medical costs shall be paid, even if the animal is not redeemed by the owner.

(F) In addition to the redemption fees to be charged for every dog or cat impounded, the cost of implantation of a microchip, if none is found at the time of impoundment, shall be paid by the owner. The cost of implantation of a microchip is \$36.

(G) The redemption fee for a dog or cat that has bitten a person is \$180.

(H) Owners of animals impounded during non-business hours shall be subject to an emergency impoundment fee of \$25.

(I) A transportation fee of \$25 shall be paid for animals picked up at the request of the owner.

(J) A euthanasia fee of \$25 shall be paid for animals euthanized at the request of the owner.

(K) A euthanasia fee of \$50 shall be paid for animals euthanized at the request of the owner, if the animal has bitten within ten days of the request.

(L) The Administrator may require a dog or cat to be vaccinated against rabies by a licensed veterinarian and registered at the owner's expense before redemption. The required rabies vaccination fee shall be \$45.

(M) Owners of animals displaced by circumstances out of their control shall be required to provide proof of rabies inoculation. Animals impounded by County Animal Control due to these circumstances shall be vaccinated against rabies, registered, and microchipped before being released to the owner. The owner shall pay \$15 for the required rabies vaccination, the appropriate registration fee, and \$5 for the implantation of the required microchip.

(N) Owners surrendering animals to the shelter shall be subject to pay a \$10 relinquishment fee.

(O) The adoption fee for each dog shall be \$80, and \$50 if the dog comes to the shelter already sterilized. The adoption fee for each cat over six months of age shall be \$40, \$60 for any kitten under six months of age, and \$20 if the cat comes to the shelter already sterilized.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.43 FINES AND FEES PAID INTO ANIMAL CONTROL FUND.

All fines, forfeitures, penalties, and fees collected as a result of the enforcement of this chapter shall be paid into the Animal Control Fund.

(Ord. E-19-97, passed 5-29-2019) Penalty, see § 90.99

§ 90.99 PENALTY.

Whoever violates the provisions of this chapter shall be fined not less than \$25 and not more than \$500 for each offense. A separate offense shall be deemed to be committed for each day during upon which a violation occurs or continues.

(Ord. E-19-97, passed 5-29-2019)