

Resolution No. 9-1

**WHEREAS**, the Sangamon County Board has a long history of providing and enforcing animal control; and

**WHEREAS**, all requirements regarding animal control are defined in Chapter 6.04 of the Sangamon County Code; and

**WHEREAS**, numerous laws and regulations regarding animal control have been amended or changed at the State level over the last 25 years; and

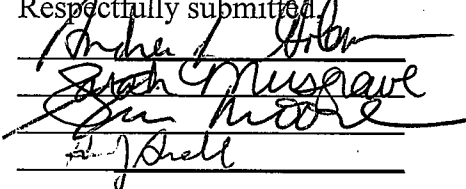
**WHEREAS**, Chapter 6.04 of the Sangamon County Code is in need of a comprehensive update to assure proper enforcement of animal control; and

**WHEREAS**, the revised Chapter 6.04 of the Sangamon County Code has a specific emphasis on public safety and public health, with requirements that address proper containment of animals, and vaccination and registration of cats and dogs against rabies; and

**WHEREAS**, the Citizens Advisory Committee on Animal Control, the Sangamon County Board of Health, and the Public Health Committee of the Sangamon County Board all have approved and recommended the changes to Chapter 6.04 of the Sangamon County Code;

**NOW, THEREFORE, BE IT RESOLVED**, by the members of the Board of Sangamon County, Illinois, in session this 9th day of August, 2011, that Chapter 6.04 of the Sangamon County Code, Animal Control, is hereby deleted and is to be replaced with the revised Chapter 6.04 of the Sangamon County Code, Animal Control, as attached.

Respectfully submitted

  
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**FILED**

AUG 04 2011

  
Sangamon County Clerk

Sangamon County  
Department of Public Health



Animal Control Ordinance  
Chapter 6.04

August 2011

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**6.04.010      Definitions**

- A. "Administrator" means 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.
- B. "Animal control officer" means any person recommended for hire by the Administrator, and approved by the Director of Public Health, to perform the duties assigned to that person by the Animal Control Act, the Sangamon County animal control ordinance, or the Administrator.
- C. "Board" means the Sangamon County Board.
- D. "Board of Health" means the Sangamon County Board of Health.
- E. "Cat" means *Felis Catus*.
- F. "Confined" means restriction of an animal at all times by the owner, or his agent to an escape-proof building, house, or other enclosure away from other animals and the public.
- G. "Dangerous Dog" means (i) 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 unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.
- H. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator.
- I. "Director of Public Health" means the director of the Sangamon County Department of Public Health.
- J. "Dog" means all members of the family *Canidae*.
- K. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked at all times and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

L. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm. Feral cats are ear tipped, microchipped and managed in colonies by feral cat caretakers who are sponsored by animal shelters licensed by the Illinois Department of Agriculture.

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

N. "Nuisance Wildlife" means any protected species which is causing damage to property or a risk to human health or safety.

O. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog or cat to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program approved by the Administrator.

P. "Physical injury" means the impairment of physical condition.

Q. "Pound" or "Animal Control Facility" may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

R. "Potentially dangerous dog" means a dog that is unsupervised and found running at large with 3 or more other dogs.

S. "Public Health Department" means the Sangamon County Department of Public Health.

T. "Serious physical injury" means 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.

U. "Straying animal" means a dog, or other animal, not on the premises of the owner, or not confined or under control by leash or other recognized control methods.

V. "Vicious dog" means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions

**6.04.020 Purpose**

The announced purpose of this program is:

- A. To remove from the county stray dogs not inoculated against rabies;
- B. To exercise dog and cat overpopulation control;
- C. To protect the public from animal bites from dangerous dogs;
- D. To establish an orderly process, in conformance with state and local law and regulation, for dog and cat owners to redeem their pets; and
- E. To provide for humane dispatch for unwanted stray animals not redeemed by their owners or adopted by the public.

**6.04.030 Adoption of State Statute**

Sangamon County adopts the Illinois Animal Control Act, Chapter 510, Section 5/1 et seq of the Illinois Compiled Statutes, as it may be amended from time to time and as allowed by said division.

Sangamon County adopts the Illinois Domestic Animals Running at Large Act, Chapter 510, Section 55/1 et seq of the Illinois Compiled Statutes, as it may be amended from time to time and as allowed by said division.

**6.04.040 Animal Control Program–Public Health Department Operation Responsibility.**

The Sangamon County department of public health shall have responsibility for the operation of the animal control program.

**6.04.050 Animal Control Program–Employees**

The Chairman of the Board shall appoint an Administrator. The Administrator's salary and expense shall be set by the Board and incorporated in the annual budget. The Administrator may appoint a Deputy Administrator and animal control officers at such salary as shall be set annually by the Board and incorporated in the annual budget.

**6.04.060 Duties of Administrator**

- A. The Administrator shall administer the animal control program in Sangamon County;
- B. Develop written job descriptions for all personnel in the Sangamon County animal control program;
- C. Draft written rules and regulations for the operation of the Sangamon County animal control program;
- D. Recommend to the Director of Public Health an annual budget for the operation of Sangamon County animal control program;
- E. Supervise the activities of and assign duties to the personnel working in the Sangamon County animal control program;

- F. Make such reports as are required by the Director of Agriculture of the State of Illinois, his duly appointed representative, the Board of Health, the Board; and
- G. To investigate and substantiate all claims made on the animal control fund and to recommend approval/denial of expenditures under the animal control fund.

**6.04.070 Board of Health—Duties-Rabies Inoculation Tags-Registration Fee**

The Board of Health shall establish the fees charged for the rabies inoculation tag, registration fees and impoundment fees and the implementation of the Animal Control Act of the State of Illinois to be adopted by the Board.

- A. Rabies Inoculation. Every owner of a dog and cat between 3 and 4 months of age should have each dog and cat inoculated against rabies by a licensed veterinarian. Every owner of a dog and cat 4 months or more of age shall have each dog and cat inoculated against rabies by a licensed veterinarian. Every dog and cat shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccination and duration of immunity must be in accordance with USDA licenses of vaccine used. Licensed Veterinarians who administer the rabies vaccine shall procure from the Public Health Department serially numbered tags and inoculation certificates and shall provide the Administrator with a copy of each certificate issued. This section shall apply to feral cats in a trap, spay/neuter, return or release program approved by the Administrator.
- B. Registration Fee. The Public Health Department shall collect a registration fee of \$ 38.00 for un-spayed or un-neutered dogs and cats and a fee of \$9.00 for spayed or neutered dogs and cats, proof of which must be furnished upon registration of said dog and cat. Those dogs and cats under the age of one year of age shall be exempted from paying the higher fee in order to allow dog and cat owners an adequate period of time in which to have their animal spayed or neutered. This section shall not apply to feral cats in a trap, spay/neuter, return or release program approved by the Administrator.
- C. Registration fee – Registered Kennel/Cattery. The Public Health Department shall collect a registration fee of \$18.00 for each dog or cat one year of age or more and unspayed or unneutered when the dog or cat is owned by a kennel or cattery which is duly registered with the Illinois Department of Agriculture.
- D. Registration fee – Dangerous dog. The Public Health Department shall collect an annual registration fee of \$50.00 for each dog that has been declared a dangerous dog under the Illinois Animal Control Act, City of Springfield ordinance or this ordinance.
- E. Registration fee – Vicious dog. The Public Health Department shall collect an annual registration fee of \$100.00 for each dog that has been declared a vicious dog under the Illinois Animal Control Act, City of Springfield ordinance or this ordinance.

F. Feral Cat Colonies. Every caretaker of a feral cat colony shall be sponsored by an animal shelter licensed by the Illinois Department of Agriculture and approved by the Administrator. Each caretaker shall be registered with the sponsoring animal shelter as a Feral Cat Colony Caretaker. Each caretaker shall conform to any requirements of management for feral cat colonies as set forth by his or her sponsor. Each caretaker shall maintain records of cats in his or her colony on forms approved by the Administrator. The sponsor shall make an annual report of the status of each colony to the Administrator. At any reasonable time, on request of the Administrator or animal control officer, the sponsor shall provide colony records for review.

Such owner or keeper of such dog and cat shall cause the serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog and cat at all times.

All fees collected for registration and rabies inoculation tags should be remitted to the county treasurer, who shall place the moneys in the animal control fund. The animal control fund will reimburse the Public Health Department for the provisions of animal control services.

**6.04.071      Exhibition of Certificate on Request.**

At any reasonable time upon request of any law enforcement officer or animal control officer, the owner or keeper of any dog or cat shall exhibit any current, valid certificate required under the provisions of this chapter, certifying the inoculation against rabies of any dog or cat owned or kept by him.

**6.04.072      Impoundment and Redemption of Straying Animals.**

A. Any dog found to be running at large contrary to provisions of this ordinance may be apprehended and impounded at the animal control facility. The dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by Sangamon County. A dog found running at large contrary to the provisions of this ordinance a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

When dog or cats are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice to the owner of the animal.



Dogs used in law enforcement, search and rescue or any other official government business are exempt from this provision while on duty and working or if they become lost while on duty and working.

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 which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

B. In case the owner of any impounded dog or cat desires to make redemption thereof, they may do so on the following conditions:

- a. present proof of current rabies inoculation, and registration, if applicable, and
- b. pay for the rabies inoculation of the dog or cat and registration, if applicable, and
- c. pay the animal control center for the rate of \$20.00 per day for the period it was impounded,
- d. if the animal being redeemed has been impounded by the Sangamon County animal control, and impoundment fee shall be charged as follows:

First impoundment	\$ 50.00
Second impoundment	\$ 150.00
Third impoundment	\$ 200.00
Fourth and subsequent impoundments	\$ 250.00; and

- e. pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be refunded if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days.
- f. pay for microchipping and registration if not already done.

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

#### **6.04.073 Authority to Impound Straying Animals and to Enter onto Private Property**

For the purpose of making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to investigate alleged or suspected violations of this ordinance, to apprehend an animal which has reportedly bitten a person, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after the request thereof, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this ordinance.

##### **6.04.073.1 Biting Animal Confinement, Observation of Animal**

Animals that bite shall be confined and observed in accordance with Section 13 of the Illinois Animal Control Act. At the end of the confinement period, dogs and cats shall be examined by a licensed veterinarian, spayed or neutered and microchipped.

Any person in violation of this section shall be fined \$250.

**6.04.074 Dead Animals**

- A. The owner or keeper 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 the remains of such animal.
- B. Animal remains shall be disposed of:
1. By burial beneath at least 18 inches of compacted soil on the property of the animal's owner or keeper or any other location, with the express permission of the owner of the property;
  2. By cremation in a licensed crematorium;
  3. By or through the county animal control facility; or
  4. By or through a licensed veterinarian.
- C. Animal control officers may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as prescribed herein. Such person shall have 24 hours from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at his usual place of abode with some person of the family, of the age of 13 years or older and informing that person of the contents thereof.
- D. The Sangamon County Health Department may dispose of any animal remains without notice to the owner or keeper when:
1. Such remains are located on a public roadway;
  2. The remains bear no owner identification tags as required by this chapter;
  3. The remains are located on the property of a person other than the owner or keeper; or
  4. Service of a notice on the owner or keeper is refused or not readily possible within a short time.
- E. In any case where a disposal notice is required, in accordance with subsection C above, on failure of a person served a notice to properly dispose of such remains within the time allowed, the remains may be disposed of by employees of the county and all cost of such

removal shall be paid by the owner or keeper of the dead animal to the county, the fee for such disposal shall be \$50.00 per hour, one hour minimum. Any time over one hour will then to be billed in ½ hour increments. Should more than one animal control officer be needed, the cost will be per officer.

**6.04.075 Investigation and Impoundment of Suspected Violations of Sections of the Illinois Humane Care for Animal Act**

Upon receiving a complaint of a suspected violation of Section 3, 3.01, 3.02, and 3.03 of the Humane Care for Animal Act 510 ILCS 70/10, the animal control Administrator, or his or her authorized representative, or any law enforcement officer may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person residence, except by search warrant or court order.

When the animal control Administrator finds that a violation of Sections 3, 3.01, 3.02, or 3.03 of the Humane Care for Animal Act has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, the animal may be impounded. If impounded, the animal shall be impounded in a facility or at another location where the elements of good care as set forth in Section 3 of the Humane Care for Animals Act can be provided and where such animals shall be examined and treated by a licensed veterinarian or, if the animal is severely injured, diseased, or suffering, humanely euthanized. Any expense incurred in the impoundment shall become a lien on the animal and shall be borne by the owner.

Any person in violation of this section shall be fined no less than \$250 and no more than \$800.

**6.04.076 Owner's Appeal for Impoundment for Violations of the Illinois Humane Care for Animals Act**

A. In the event that the administrator orders the impoundment for suspected violations of Section 6.04.075 of this ordinance, the owner may appeal, in writing, the impoundment to the Circuit Clerks office or Animal Control Center within seven (7) days of impoundment. After proper notice, not less than fourteen (14) days, a hearing shall be held before the Administrative Hearing Officer pursuant to Chapter 5.30 of the Sangamon County Ordinance.

B. If the Administrative Hearing Officer finds that the animal is a victim of any of Section 6.04.075, then he shall order the appropriate remedies including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return said 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.

**6.04.080 Interference with Enforcement**

No person shall, in any way, interfere with any person who is known to such person to be or who identifies himself to be a county employee or officer enforcing the provisions of this chapter or engaged in catching or impounding any animal under the authority of this chapter.

**6.04.090 Issuance of Citations to Persons in Violation**

- A. Sangamon County animal control officers and peace officers of Sangamon County are authorized to issue citations on a reasonable belief that any person has violated any provision of this Chapter or the Illinois Animal Control Act. Violations of this chapter shall be punishable by a fine of not less than fifty dollars nor more than eight hundred dollars.
- B. Citations shall be issued on forms approved by the Director of the Sangamon County Department of Public Health.
- C. Citations shall be issued personally to the violator, left with a responsible family member of at least 13 years of age at the home of the violator, or mailed to the residence of the violator.
- D. Persons issuing citations shall ensure that a copy of the citation is filed at the Sangamon County Circuit Clerks office on the same day that the citation is issued or as soon as practical after issuance of such citation.

**6.04.091 Penalty**

Any person found in violation of any sections of this chapter, shall be fined not less than \$50 nor more than \$800, unless a different fine is provided in the particular section. Each day during which a violation continues beyond the specified time for correction shall constitute a separate punishable offense.

**6.04.095 Animal Considered a Nuisance**

- A. No person owning, possessing, or harboring any animal within unincorporated Sangamon County shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:
  - 1. substantially damages real or personal property other than the owner's;
  - 2. causes unsanitary, dangerous, or unreasonably offensive conditions.  
This subsection does not apply to animals defined as 'livestock' in Chapters 505 through 510 ILCS;
  - 3. chases vehicles;
  - 4. chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner; or
  - 5. chases, molests, attacks, bites, interferes with other domestic animals while off the premises of the owner.
- B. The Director of Animal Control Operations, or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections A (4) or (5) of this

section and not restrained by a competent person. Any person found to be in violation of subsections A (4) or (5) of this section shall pay a penalty of \$200.00 for the first violation, \$400.00 for the second violation, and \$800.00 for the third and subsequent violation.

#### **6.04.096 Nuisance Wildlife**

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.

Relocation of trapped animals is permitted in accordance with the Illinois Department of Natural Resources regulations. Skunks and Raccoons shall be brought to the Sangamon County Animal Control Center for euthanasia and shall not be relocated.

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

#### **6.04.100 Vicious Dogs**

In order to have a dog deemed "Vicious", the Administrator, Deputy Administrator, animal control officer, 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 witness, 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 States Attorney's Office and the owner. The Administrator, State's Attorney, Director 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. 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.

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 upon the property of the owner or custodian of the dog;
2. 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
3. The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed. If the burden of proof is met, the court shall deem the dog to be a vicious dog.

**6.04.100.1 Vicious Dogs - Confinement, Control, Impoundment**

A. If a dog is found to be a vicious dog, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. The court has the discretion to order a vicious dog be euthanized. A dog found to be vicious dog shall not be released to the owner until the Administrator, or his or her designee, approves the enclosure. No owner or custodian of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of the County Animal Control where he or she has relocated and the Administrator of the County Animal where he or she formerly resided.

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

1. if it is necessary for the owner or keeper to obtain veterinary care for the dog;
2. in the case of an emergency or natural disaster where the dog's life is threatened, or
3. to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding six (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.

C. 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 having jurisdiction in such area. If the owner of the dog has not appealed the impoundment order to the Circuit Court in the county in which the animal was impounded within fifteen (15) working days, the dog may be euthanized. Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

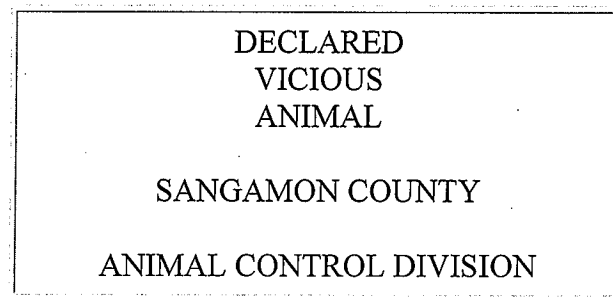
D. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 6.04.070 of this Ordinance. It shall be the duty of the current 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 reported address changes.

E. All owners and/or keepers of any animal found to be vicious, shall display in a prominent place of their premises where the vicious animal is confined a clearly visible sign in accordance with the following requirements:

a. The sign must have the following dimensions:

8 1/2" by 11" sign with red letters on a white background. The first three words "Declared Vicious Animal" must be at least 2" in height and the sign shall read as follows:



b. The sign must be displayed in the following manner:

At the entrance of the enclosure where the animal is kept.

In the event that an enclosure has more than one (1) entrance, a sign will be required at each entrance.

F. Upon request, and for the duration of the life of a vicious dog, the owner of a vicious dog subject to enclosure shall provide the Administrator, his or her designee or animal control officer access to the enclosure for the purpose of inspection to ensure that the enclosure continues to meet the criteria of the definition of an enclosure, required signage remains in place and in good condition and confirm that any other order is being obeyed.

If an owner fails to comply with these requirements the Administrator shall order the dog impounded and the owner shall pay a \$500 fine plus impoundment fees.

#### **6.04.101 Potentially Dangerous Dog Determination**

A dog found running at large and unsupervised with 3 or more other dogs may be deemed a potentially dangerous dog by the Animal Control Officer or Administrator. Potentially

dangerous dogs shall be spayed or neutered and microchipped within 14 days of reclaim. The designation of "potentially dangerous dog" shall expire 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 \$500.

#### **6.04.101.1 Dangerous Dog Determination**

A. After a thorough investigation including: sending, within 10 business days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; making a detailed written report, an animal control officer, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, to deem a dog to be "dangerous". No dog shall be deemed a "Dangerous Dog" unless shown to be a dangerous dog by a preponderance of the evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

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

- 1 The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;
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. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

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

1. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
2. Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

E. The Administrator may order a dangerous dog to 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.

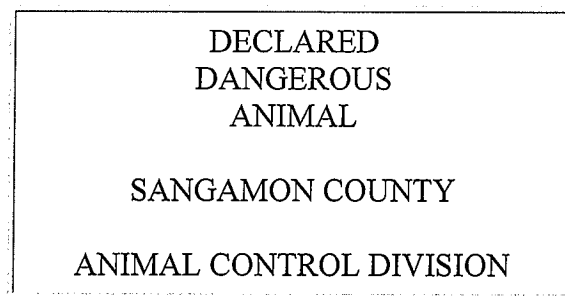
F. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with Section 6.04.070 of this Ordinance. It shall be the duty of the owner of such exempted dog to notify the administrator of change 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 reported address changes.

G. The administrator, the state's attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the people of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction which build in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

H. All owners and/or keepers of any animal found to be dangerous, shall display in a prominent place of their premises where the dangerous animal resides a clearly visible sign in accordance with the following requirements:

a. The sign must have the following dimensions:

8 1/2" by 11" sign with red letters on a white background. The first three words "Declared Dangerous Animal" must be at least 2" in height and the sign shall read as follows:



b. The sign must be displayed in the following manner:

At the entrance of a residence or property where the animal is kept.

In the event that a residence or property has more than one (1) entrance, a sign will be required at each entrance.

**6.04.101.2 Dangerous Dogs; Leash**

It is unlawful for any person to knowingly or recklessly permit any Dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

**6.04.101.3 Dangerous Dog; Appeal.**

A. The owner of a dog found to be a Dangerous dog pursuant to this Ordinance 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 Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of 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 Ordinance 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. 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 Administrative 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 the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

#### **6.04.102. Citizens Advisory Committee.**

A Citizen's Advisory Committee to the animal control program may be appointed by the Chairman of the Sangamon County Board to advise and work with the Board of Health on means of achieving the announced purpose of the operation of the animal control program.

The advisory committee shall consist of at least one County Board member, one alderman from the City of Springfield, and such interested members of the community including but not limited to an officer of the animal protective league, a representative of the Sangamon County sheriff's office, a representative of the farming community, a representative of the veterinary profession, and such other interested members of the community.

The Chairman of the Sangamon County Board shall designate the Chairman of the advisory committee whose duties shall include the calling of the meeting not less than quarterly; setting the agenda; and reporting all committee recommendations to the Board of Health. The Board of Health shall make recommendations regarding the operation of the animal control program to the Sangamon County Board.

The members of the Citizens Advisory Committee shall receive a stipend of one hundred dollars per month. The terms are to begin December first and end November thirtieth.

#### **6.04.110 Impoundment Notification Procedures**

The Board has authorized the Board of Health to work with the management of the State Journal-Register, the primary newspaper of general distribution throughout Sangamon County, to develop a method of notifying the public of the type and description of stray animal impounded for redemption by owners or adoption by the public.

**6.04.111 Enforcement Officers not Responsible for Accident, Injury or Disease to any Animal**

Sangamon County, the Administrator, Director of Operations, administrators, animal control officers, employees or anyone enforcing provisions of this ordinance shall not be held responsible for any accident, injury or disease that may happen to any animal.

**6.04.120 Adoption Policy and Fees**

The Director of Public Health with the advice and consent of the Board of Health shall develop a policy for the adoption of dogs or other animals not redeemed by owners, or dogs or other animals brought to the animal control facility by the owners that wish to make available their animals for adoption. The fee schedule set forth herein as Schedule A for those fees not otherwise set out in this Chapter shall be posted at the Animal Control Center such that citizens may be able to read it upon entering the animal control facility.

**SCHEDULE A**

**ANIMAL CONTROL FEES**

SERVICE	FEE
Adoption Fee Feline	\$ 90.00
Adoption Fee Canine	\$ 120.00
Annual Canine Registration:	
Under 1 year of age	\$ 9.00
Over 1 year of age	\$ 38.00
Spayed/Neutered	\$ 9.00
dog owned by licensed kennel operator (registered with IL Dept. of Agriculture)	\$ 18.00
Annual Feline Registration:	
Under 1 year of age	\$ 9.00
Over 1 year of age	\$ 38.00
Spayed/Neutered	\$ 9.00
cat owned by licensed cattery operator (registered with IL Dept. of Agriculture)	\$ 18.00
Rabies Inoculation	\$ 18.00

Boarding (per day)	\$ 20.00
Reclamation Fee:	
First Offense	\$ 50.00
Second Offense	\$ 150.00
Third Offense	\$ 200.00
Fourth and Subsequent Offenses	\$ 250.00
Euthanization Fee:	
Dogs 0-20 lbs.	\$ 25.00
Dogs 21-40 lbs.	\$ 30.00
Dogs 41 lbs. or more	\$ 35.00
Cats	\$ 25.00
Dead Animal Disposal	\$ 10.00
AVID Microchip	\$ 30.00
Pet Carrier	\$ 12.00
Leash	\$ 3.00
Trap Deposits:	
Dog	\$ 50.00
Cat	\$ 50.00
Daily Trap Rental:	
Dog	\$ 5.00
Cat	\$ 5.00
Wildlife Removal	\$ 10.00