

## Chapter 6 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 6-1. Construction of chapter; establishment of program.

This chapter shall be liberally construed to the end that the health, safety and welfare of the people of the county may thereby be protected. This chapter, in general, establishes an animal control program to:

- (1) Protect the citizens of the county from rabies through the inoculation and registration of dogs, stray dog impoundment, animal bite investigations and other rabies control measures as may be deemed necessary;
- (2) Control dangerous and vicious dogs and other animals within the county as required by state law;
- (3) Reimburse owners of livestock damaged by dogs as required by state law;
- (4) Control the dog and cat population; and
- (5) Establish a variety of means by which population control may be financed.
- (6) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards.
- (7) Providing security to residents from annoyance, intimidation, and injury from dogs.
- (8) Encouraging responsible pet ownership;
- (9) Promoting community and consumer awareness of animal control and welfare: and
- (10) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

#### Sec. 6-2. Definitions.

This section adopts, by reference, those definitions set forth in 510 ILCS 5/2 and the rules and regulations relating to the Animal Control Act, 510 ILCS 5/1 et seq. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* means to desert, forsake, leave or dump an animal in any place without legal permission and/or providing for the continued humane care of the animal.

*Adequate care* shall include but not be limited to medical treatment for illness, injury, disease, excessive parasitism, or any malformations.

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<sup>1</sup>Editor's note(s)—Ord. No. 11 , ¶ 1, adopted April 17, 2018, amended ch. 6 in its entirety to read as herein set out. Former ch. 6, §§ 6-1—6-5, 6-29—6-34, pertained to similar subject matter, and derived from Compiled Ords. 2013, §§ 7-1(1), 7-1(2), 7-2—7-9.

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*Adequate food* means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices.

*Adequate shelter* means a structure or enclosure which provides an animal with protection from the elements (weather), which structure or enclosure must have a roof, floor and three sides, and be of sufficient size as to allow each animal to stand up, lie down and turn around in a natural position.

*Adequate water* means fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water.

*Administrator* means the public health administrator of the county health department who shall serve as the administrator as that term is defined in the Animal Control Act, 510 ILCS 5/1 et seq.

*Animal control officer* or *ACO* means any person employed or appointed by the county or a municipality who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with Illinois law and this Code.

*Backyard breeders* means any person, except for someone having a valid dog dealer license pursuant to (225 ILCS 605/3) (from ch. 8, par. 303), who, for pay or other compensation, breeds a female dog or any other animal producing three or more litters within a 12-month period.

*Companion animal* means domesticated animals kept in or near the household for the primary purpose of companionship for member(s) the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, invertebrates and species that a reasonable person would consider to be a pet.

*Dangerous dog* means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury. (510 ILCS 5/2.05a)

*Department* means Whiteside County Animal Control.

*Dog* means all members of the family Canidae.

*Dog dealer* means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation two or more litters within a 12-month period.

*Domesticated cat* means a cat that is socialized to humans and is appropriate as a companion for humans.

*EVID* means an electronic animal identification device.

*Eartipping* means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

*Enclosure* means 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 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 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.

*Establishment of animal control fund* means an animal control fund which shall be established by the county treasurer.

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*Excessive growth or hazardous premises* means any weed, grass or uncultivated vegetation which is more than eight inches in height above the ground or 12 inches in length, if matted down, as measured along the stem, and shall include all trees, bushes, shrubs, flowers and ornamental or garden plants, either cultivated or uncultivated, if such plants are not made readily distinguishable from surrounding vegetation of excessive growth, and plants which are poisonous to the touch, including poison ivy, poison oak and poison sumac. The term "excessive growth" or "hazardous premises" includes an accumulation of weeds, vegetation, dead organic matter, debris or similar materials or conditions which constitute a fire, health or safety hazard.

*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 cat caretaker* means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

*Feral cat colony* means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

*Feral cat colony caretaker* means any feral cat caretaker who is approved by a sponsor to care for a feral cat colony.

*Foster home* means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter.

*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.

*Micro-chip* means to implant an EAID (electronic animal identification device) in an animal.

*Nuisance* means conduct by stray(ing) dogs or cats, or feral cats that disturb the peace. Stray(ing) dogs and cats or feral cats may create a nuisance by (a) habitually or continually howling, crying or screaming, or (b) habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

*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.

*Person* means 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.

*Potentially dangerous dog* means a dog that is unsupervised and found running at large with three or more other dogs.

*Registration fee* means initial and subsequent fees charged by the county for registering an individual animal or litter.

*Sponsor* means any animal humane society that agrees to comply with the requirements of this article for sponsors and provides written notice to the department that it will serve as a sponsor.

*Stray cat* means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner. *Stray dog* means any dog that is in a public place and not under the charge of a keeper and has no indication of ownership such as a collar, county registration tag, name tag, microchip, or any other identifiers

*Straying dog* means any dog that is in a public place and not under the charge of a keeper and has indication of ownership such as a collar, county registration tag, names tag, microchip, or any other identifiers

*TNR* means trap, neuter and return.

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*TNR program* means a program pursuant to which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this article. Stray dog means any dog that is in a public place and not under the charge of a keeper and has no indication of ownership such as a collar, county registration tag, name tag, microchip, or any other identifiers.

*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 three separate occasions.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019; Ord. No. 10-2020-6 , ¶ 1(Exh. 1), 10-20-2020)

### **Sec. 6-3. Livestock losses.**

On or before the first Monday in March of each calendar year, the county board, by ordinance, shall establish a schedule for damages reflecting the current market value of livestock, poultry, or equidae killed or injured by a dog. These damages shall be paid from the animal control fund pursuant to the Animal Control Act, 510 ILCS 5/1 et seq.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019)

### **Sec. 6-4. Abandonment of animals prohibited.**

It shall be unlawful for any person to abandon any animal on their own property without daily care or to abandon an animal off the owner's premises where it may suffer injury, hunger, exposure or become a public charge.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

### **Sec. 6-5. Powers, penalties and responsibilities.**

- (a) *Duty of administrator, police power.* It shall be the duty of the administrator, through education, registration, stray dog control, impoundment, quarantine and any other means deemed necessary and appropriate, to control and prevent the spread of rabies in the county. The administrator is, for the purpose of enforcing this chapter, clothed with the power of police officers and may issue and serve citations and orders and may carry and use a tranquilizing gun as needed for the performance of his duties.
- (b) *Indemnification of administrator.* The administrator shall not be held liable for the injury, death or illness of any dog, cat or other animal as a consequence of the enforcement of this chapter.
- (c) *Fines.* In addition to those fines imposed by the Illinois Animal Control Act, 510 ILCS 5/1 et seq. and the Illinois Public Health and Safety Animal Population Control Act, the following fines are hereby authorized and shall be levied:
  - (1) a. A violation of any provision within this chapter 6, unless a minimum fine is otherwise specifically provided for by state statute, is subject to the following penalty provisions: A violator of any section of this chapter 6 shall be fined not less than \$50.00, nor more than One \$1,000.00, for any one violation. A second violation of the same section of the Code, within any 36 months period, shall be fined not less than \$100.00, nor more than \$1,000.00. A third violation of the same section of the Code, within any 36 months period, shall be fined not less than \$150.00, nor more than \$1,000.00. A fourth or subsequent violation of the same section of the Code, within any 36 months period, shall be fined not less than \$250.00, nor more than \$1,000.00.

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- b. Whoever commits a violation of the chapter 6, or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal violator.
  - c. County ordinance violations may be satisfied without a court appearance by payment of the minimum applicable fine, as indicated on the citation, unless a required court appearance is indicated on said citation.
  - d. Any citation fine amount not paid within 30 days of the issuance of said citation will be turned over to the county attorney for prosecution. All collection and attorney's fees shall be due and payable by any person found in violation, in addition to the fine.
  - e. The penalty provisions established by this section shall apply to all ordinance violations under this chapter 6—animals, except for violations where the county has adopted the state statute and the fine amount is either set by state statute or the minimum fine amount set by said state statute exceeds the minimum amount established under the Whiteside County Code, in which case the state statutory fine amount and minimums will apply.
  - f. A violator may be given the opportunity to settle their case in accordance with the following provisions:
    1. Any person accused of a violation of any section of this chapter 6 may compromise and settle the violation by paying to the county the minimum applicable fine, as indicated on the citation, within 30 days from the date the citation was issued.
    2. The offer to settle under this section shall be as a courtesy. The county is in no way obligated to offer settlement to, or accept settlement from, any alleged violator for any alleged violation. If a violation is not settled, a complaint may be filed with the Whiteside County Circuit Court for prosecution, subjecting the alleged violator to the penalties set forth above. If a complaint is filed in the Whiteside County Circuit Court, every day the violation exists following the date of said filing is, and shall be considered as, an additional violation of the Code subjecting the violator to all applicable penalty provisions for each day the violation continued to exist.
    3. All funds received by any county agency, department or office as the result of settlement of any violation of the County Code shall be accounted for and transferred to the county treasurer at least once per month.
- (2) Any owner of a dog found to be dangerous as pursuant to the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and who permits such dog to run at large is in violation of the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and subject to a fine of at least \$100.00. A separate offense shall be deemed committed on each day during which a violation occurs.
  - (3) Any owner of a dog found to be a potentially dangerous dog as pursuant to the Illinois Animal Control Act, 510 ILCS 5/1 et seq., who fails to spay or neuter and microchip within 14 days of reclaim is subject to a \$500.00 fine. (510 ILCS 5/15.4)
  - (4) Any owner of a dog or cat ordered to impound or confine such dog or cat pursuant to this chapter who fails to abide by the impoundment order within 24 hours shall be in violation of the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and this chapter and subject to a fine of at least \$100.00. A separate offense shall be deemed committed on each day said dog or cat is not impounded.
  - (5) Any person who violates any other provisions of this chapter shall, upon conviction, be punished by a fine of not more than \$500.00 for each and every count. A separate offense shall be deemed committed on each day during which a violation occurs.

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- (6) All fines authorized by this chapter, the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and the Illinois Public Health and Safety Animal Population Control Act shall be posted at the county pound and the county courthouse.
  - (7) Any owner of a dog ordered to be spayed or neutered for running at large a second or subsequent time and fails to do so within 30 days of reclaim, shall be in violation of the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and this chapter and subject to a fine of at least \$100.00. A separate offense shall be deemed committed on each day during which a violation occurs.
  - (8) Any person who abandons any animal on any public or private property or roadway within Whiteside County shall be subject to a fine of at least \$100.00.
  - (9) Any owner or person who confines any dog in an enclosure, kennel, doghouse, or any type of container or structure with excessive growth of vegetation or on hazardous premises shall be subject to a fine of at least \$100.00.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019; Ord. No. 08-2020-7 , § 3, 8-17-2020; Ord. No. 10-2020-6 , ¶ 1(Exh. 1), 10-20-2020)

### **Sec. 6-6. Running at large.**

- (a) If an owner's dog is found running at large, the dog's owner shall pay a \$25.00 public safety fine, \$20.00 of which shall be deposited into the pet population control fund and \$5.00 of which shall be retained by the county. 510 ILCS 5/9.
- (b) The owner of any impounded dog or cat who desires to make redemption thereof shall pay a \$25.00 public safety fine to be deposited into the pet population control fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days. 510 ILCS 5/10.
- (c) A dog found running at large a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered. 510 ILCS 5/9

(Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019)

### **Sec. 6-7. Animals considered a nuisance.**

No person owning, possessing or harboring any animal within the 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 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, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
- (4) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

The administrator or animal control officer or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (3) or (4) above and not restrained by a competent person.

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Any person found in violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than \$50.00 or no more than \$500.00.

(Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019)

**Secs. 6-8—6-28. Reserved.**

**ARTICLE II. RABIES CONTROL**

**Sec. 6-29. Inoculation.**

- (a) Inoculation required. Every owner, except licensed animal-impounding facilities, of a dog or cat four months or more of age shall cause such dog or cat to be inoculated with a rabies vaccine by a licensed veterinarian at such intervals approved by the state department of agriculture. The rabies vaccine shall be licensed by the federal department of agriculture and approved by the state department of agriculture.
- (b) If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies inoculation requirement, however, the owner is still responsible for the tag fees. (510 ILCS 5/8) (from Ch. 8, par. 358)
- (c) Costs borne by owner. All costs of inoculation against rabies shall be borne by the owner of the dog or cat.
- (d) If a bite occurs from an exempt animal, the exempt animal shall be treated as an unvaccinated animal. If the animal is exempt, the animal shall be re-examined by a licensed veterinarian on no less than an annual basis and be vaccinated against rabies as soon as the animal's health permits. (510 ILCS 5/8) (from Ch. 8, par. 358)

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Sec. 6-30. Registration required.**

Every owner, except shelters and animal-impounding facilities, of a dog or cat four months or more of age shall cause such dogs or cats to be registered with the county. To register a dog or cat, the owner shall present proof of a rabies vaccination and pay a registration fee.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Sec. 6-31. Reciprocity.**

A registration certificate and/or proof of rabies inoculation issued by another county in the state will be honored until expiration if the owner has recently established residence in the county. All other new residents owning or keeping a dog or cat four months of age or older shall have the dog or cat inoculated against rabies and registered within 21 days after establishing residence in the county.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Sec. 6-32. Fees.**

- (a) *Registration fees.* Registration fees shall be as provided in forms on file in the office of the county administrator.

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- (b) *Microchipping.* The microchip implantation fee shall be as provided in the county fee schedule.
  - (c) *Rabies tag replacement.* Rabies tag replacement shall be made at no additional charge.
  - (d) *Impoundment fees.* Impoundment fees shall be set by the operator of the county pound and shall be posted and be made available for public inspection at the county pound.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

### **Sec. 6-33. Animal bites.**

- (a) *Notification of administrator required.* It shall be unlawful for any person knowing that an individual has been bitten by an animal to fail or refuse to notify the administrator within 24 hours.
- (b) *Impoundment of dog; exceptions.* When the administrator is notified that a person has been bitten by a dog or other animal, the administrator shall have the owner impound the animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting incident, except:
  - (1) When the animal is currently inoculated with rabies vaccine and the bite occurred below the shoulder and the animal has not reported for biting within the last 12 months, the animal may be confined by the owner and the animal's health shall be reported by a licensed veterinarian to the administrator on the first and tenth days of the observation period of rabies.
  - (2) When the animal has bitten a family member living within the same household below the shoulder, the animal may be confined by the owner and the animal's health shall be reported by a licensed veterinarian to the administrator on the first and tenth days of the observation period for rabies.
- (c) *Authority to seize and impound.* The administrator is authorized to seize and impound any animal if the owner fails to confine/impound such animal within 24 hours after receiving official notice. Impounded animals shall not be released until all costs of observation, notification and rabies inoculation have been paid by the owner. If at the end of ten days the owner fails to redeem the animal, it may be humanely dispatched.
- (d) *Notification of administrator upon signs of rabies.* When an animal impounded or confined for biting shows signs of rabies, the owner or observing veterinarian shall notify the administrator immediately of these signs.
- (e) *Disposition of animal before observation prohibited.* It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of or have inoculated against rabies an animal known to have bitten a person until it has been released from confinement for observation for rabies, except an animal may be euthanized in order to perform a laboratory examination of its brain tissue.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

### **Sec. 6-34. Other rabies control measures.**

- (a) It shall be unlawful for the owner of any animal or any veterinarian examining an animal which shows sign of rabies to fail to notify the administrator within one hour.
- (b) Upon determination by the administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal may be required by the administrator to confine or to surrender the animal to the administrator or a licensed veterinarian for impoundment or examination for a period of time as determined by the state department of agriculture. The owner of the animal shall be responsible for all veterinary services and, in the case of rabies testing, all related expenses due to shipping and laboratory testing.



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- (c) Animals exposed to animals with rabies capable of transmitting the disease may be confined, impounded or euthanized as ordered by the administrator.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Secs. 6-35—6-50. Reserved.**

### ***ARTICLE III. COMPANION ANIMAL HOARDING<sup>2</sup>***

#### **Sec. 6-51. Hoarding.**

- (a) No person may possess, lodge, or maintain over eight companion animals if such a person displays a general disregard for the conditions under which the animals are living, including, but not limited to, failing to provide all of the following to all of the companion animals in his care: adequate food, water, shelter, and care.
- (b) Any person possessing over eight or more companion animals within their household must notify county animal control.
- (c) Upon conviction for companion animal hoarding, the court may order the person to do any or all of the following:
- (1) Be precluded from owning, harboring, or having custody or control of companion animals for a period of time that the court deems reasonable.
  - (2) Participate in available animal cruelty prevention program(s) or educational program(s), or both.
  - (3) Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
  - (4) Forfeit to county animal control animals that are the basis of conviction.
  - (5) Sterilize the companion animals, with sterilization being mandatory upon a second violation.
  - (6) Pay appropriate fees and fines.

Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than \$50.00 or no more than \$500.00.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019)

**Secs. 6-52—6-70. Reserved.**

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<sup>2</sup>Editor's note(s)—Ord. No. 11 , ¶ 1, adopted April 17, 2018, adopted provisions designated as § 6-35. However, in order to allow for reserved sections preceding this article, said provisions have been redesignated as § 6-51 at the discretion of the editor.

### **ARTICLE IV. BREEDERS AND FOSTERS<sup>3</sup>**

#### **Sec. 6-71. Breeding and foster license.**

- (a) It shall be unlawful for any person, backyard breeder or dog dealer who: Sell dogs, puppies, or breed a dog, offer a dog for breeding or stud purposes to do so without a breeding permit issued by the department.
  - (1) In order to receive a breeder permit, residents must complete a breeder permit application.
  - (2) The breeder application must be approved, and a permit issued by county animal control before anyone can breed a dog. Once the breeder application is submitted, county animal control will review it and, if approved, a breeder permit will be mailed to the applicant after 30 days. The breeder permit is good for one year from the date of issue and must be renewed annually. The permit is not transferable to another person. A \$100.00 annual fee must be paid in order to receive the permit.
- (b) It shall be unlawful for any person to operate as a foster home within the county without possessing the proper licenses pursuant to (225 ILCS 605/3.2) of the Animal Welfare Act.

Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than \$50.00 or no more than \$500.00.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 11-2019-13 , ¶ 1(Exh. 1), 11-19-2019)

#### **Secs. 6-72—6-89. Reserved.**

### **ARTICLE V. HUMANE CARE<sup>4</sup>**

#### **Sec. 6-90. Proper ventilation.**

- (a) Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed.

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<sup>3</sup>Editor's note(s)—Ord. No. 11 , ¶ 1, adopted April 17, 2018, adopted provisions designated as § 6-36. However, in order to allow for reserved sections preceding this article, said provisions have been redesignated as § 6-71 at the discretion of the editor.

<sup>4</sup>Editor's note(s)—Ord. No. 11 , ¶ 1, adopted April 17, 2018, adopted provisions designated as §§ 6-37, 6-38. However, in order to allow for reserved sections preceding this article, said provisions have been redesignated as §§ 6-91, 6-92 at the discretion of the editor.

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- (b) *Illness or stress.* If upon inspection, dogs or cats exhibit conditions or signs of illness or stress associated with poor or improper ventilation, air circulation, auxiliary ventilation or humidity levels, the department may take appropriate measurements and readings in all areas of the structure or kennel where the illness or stress is present, to determine if the kennel or structure is in compliance with all provisions of this chapter relating to ventilation and ammonia levels.
  - (c) *Levels.* Ammonia levels in all areas and rooms of the structure or building, kennel and kennel housing facility, where a dog or cat is housed, kept or present, including primary enclosures shall not be greater than 15 ppm (parts per million) except within 30 minutes of the completion of active cleaning or sanitation of that primary enclosure.
  - (d) *Measurements.* Ammonia level measurements shall be taken at the level of the dogs or cats using hydriion ammonia test paper.

Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than \$50.00 or no more than \$500.00.

(Ord. No. 10-2020-6 , ¶ 1(Exh. 1), 10-20-2020)

### **Sec. 6-91. Humane care and treatment.**

- (a) It shall be unlawful for any person to abuse or neglect or in any way treat inhumanely any animal within the county.
- (b) This county animal control ordinance shall cause all persons within the county to abide by the Humane Care for Animals Act as established in 510 ILCS 70/1 et seq.
- (c) *Cruel treatment.* No person shall cruelly treat any animal as established under Illinois Humane Care for Animals Act; this shall include the prohibition of persons to crop any animal's ears, dock an animal's tail, or perform any similar surgeries except by a licensed veterinarian. 510 ILCS 70/3.01 and 3.03.
- (d) No owner or person shall confine any animal in a motor vehicle or enclosed trailer, kennel, doghouse, or any type of container or structure used for confinement in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or department investigator who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.
- (e) No person driving a motor vehicle shall transport any animal in the back of the vehicle or any load on the vehicle unless the space is enclosed or has side and tail racks to the height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by secured container or cage in the manner which will prevent animal from being thrown, falling or jumping from the vehicle.
- (f) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the administrator or a humane investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
- (g) No person shall abandon any animal on any public or private property or roadway within county. 510 ILCS 70/3.01.

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- (h) Any person striking, injuring, or killing any dog, cat or domestic animal with a vehicle shall render assistance when possible and/or notify the owner, police or an animal control officer.
  - (i) Owner's duties as listed in the Illinois State Humane Care for Animals Act (510 ILCS 70/3) and as pertains to the county animal control ordinance, under "adequate shelter and protection for weather" shall include:
    - (1) *Proper shelter.* Shall be defined as protection from weather for a dog or cat as a moisture proof building, with dry floor, free from feces, and adequate clean bedding material
    - (2) *Sufficient room.* A pen or kennel shall be of sufficient room to provide adequate exercise. Cable, lead line, tie line or any line used to secure animal in yard or pen shall be of sufficient length and placement to provide tangle free exercise.
    - (3) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals/pets kept outdoors to protect themselves from the direct rays of the sun.
    - (4) *Shelter from rain or snow.* Animals/pets kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
    - (5) *Shelter from cold weather.* Shelter shall be provided for all animals/pets kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the animal/pet species concerned.
    - (6) *Shelter from extreme heat or cold.* Shelter that is provided in an enclosed area such as enclosed porch or vehicle, shall not cause danger, distress or discomfort to the animal.
    - (7) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water to prevent a damp, wet or muddy environment.
    - (8) *[Restrictions on dogs left outdoors.]* No dog may be left outdoors in the case of extreme weather conditions, including when a heat advisory, a wind chill warning, thunderstorm warning, or tornado warning has been issued by local, state, or national authority.
  - (j) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.
  - (k) 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.
  - (l) No owner or person shall confine any dog in an enclosure, kennel, doghouse, or any type of container or structure with excessive growth of vegetation or on hazardous premises.

Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than \$50.00 or no more than \$500.00. For the first offense, a warning citation may be issued.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018; Ord. No. 10-2020-6 , ¶ 1(Exh. 1), 10-20-2020)

## **Sec. 6-92. Excessive or habitual violations.**

- (a) When a pet owner has three or more violations of the same type or violations in combination, regarding one or more pets, the administrator may have one or more such pets removed from an owner or custodian and place for adoption or otherwise dispose of such animals in a humane manner.

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- (b) When the violation is regarding inhumane treatment of animals, the administrator may deem the owner unfit and ban from owning or having pets in his/her care for a set period of time. After that time has elapsed, he/she will again be allowed to own or care for animals after a thorough investigation by an animal control officer or state humane investigator.
  - (c) When an owner has been banned from owning or having animals in his/her care; information shall be provided to all other animal control officers, shelters, and humane investigators.
  - (d) An owner/custodian may appeal a decision pursuant to section 6-92 of this ordinance, to the administrator of county animal control or his or her designee.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Secs. 6-93—6-100. Reserved.**

***ARTICLE VI. STRAYING AND STRAY DOGS<sup>5</sup>***

**Sec. 6-101. Notification by persons finding straying or stray dogs.**

- (a) Any person who finds a straying dog and (1) provides care or safekeeping or (2) retains the dog in such a manner as to control its activities shall immediately:
  - (1) Make a reasonable attempt to notify the owner of the found dog if the owner can be ascertained from any tag, license, collar, tattoo, or other form of identification or markings or if the owner of the dog is otherwise known to the individual. If an owner cannot be located or contacted, the dog must be turned over to Whiteside County animal control by 9:30 a.m. the next business day morning. If an individual is unable to make contact with Whiteside County animal control, their local law enforcement agency may be contacted.
- (b) Any person who finds a stray dog and (1) provides care or safekeeping or (2) retains the dog in such a manner as to control its activities shall immediately:
  - (1) If the dog has been found during normal business hours Monday thru Friday 9:00 a.m. - 5:00 p.m. with no county registration tag, microchip, license, collar, tattoo, or other form of identification or markings the dog must immediately be turned over to the county animal control. Individuals will be asked to provide to the county animal control their name, contact information and the location where the dog was found. Any stray dog found after normal business hours must be turned over to the county animal control by 9:30 a.m. the next business day morning. If an individual is unable to make contact with the county animal control, their local law enforcement agency may be contacted.
- (c) If a person finds a stray or straying dog and (1) provides care or safekeeping or (2) retains the dog in such a manner as to control its activities, the individual shall comply with the provisions as it pertains to Humane Care for Animals Act (510 ILCS 70/3.01) (from Ch. 8, par. 703.01) and (510 ILCS 70/3) (from Ch. 8, par. 703)

Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than

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<sup>5</sup>Editor's note(s)—Ord. No. 11-2019-13 , ¶ 1(Exh. A), adopted Nov. 19, 2019, amended art. VI in its entirety to read as herein set out. Former art. VI, § 6-101, pertained to straying animals, and derived from Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018.

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\$50.00 or no more than \$500.00. For the first offense, a warning citation may be issued. Each day a person fails to comply constitutes a separate offense.

(Ord. No. 11-2019-13 , ¶ 1(Exh. A), 11-19-2019)

**Secs. 6-102—6-110. Reserved.**

## ***ARTICLE VII. MANAGED CARE OF FERAL CATS<sup>6</sup>***

**Sec. 6-111. Reserved.**

Editor's note(s)—Ord. No. 11-2019-13 , ¶ 1(Exh. A), adopted Nov. 19, 2019, repealed § 6-111, which pertained to definitions and derived from Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018.

**Sec. 6-112. Responsibilities of owners of domesticated cats.**

- (a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
- (b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
- (c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.
- (d) An owner shall not abandon a domesticated cat.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

**Sec. 6-113. Feral cat colonies.**

- (a) Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter and other forms of sustenance, provided that the feral cat colonies are registered with a department approved sponsor, as defined in section 10-97(b), and that the feral cat colony caretaker takes all appropriate and available steps to meet the terms and conditions of this article.
- (b) Sponsorship of colony TNR programs. Any animal humane society that agrees to comply with the requirements of this article for sponsors shall be eligible to act as a sponsor. Any humane society intending to undertake the responsibilities of sponsor shall so advise the department in writing and provide its address and telephone number, and electronic mail address if applicable.
- (c) Sponsor requirements. It shall be the duty of the sponsor to:
  - (1) Review and, in its discretion, approve of feral cat colony caretakers.
  - (2) Help to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony.

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<sup>6</sup>Editor's note(s)—Ord. No. 11 , ¶ 1, adopted April 17, 2018, adopted provisions designated as §§ 6-40—6-43. However, in order to allow for reserved sections preceding this article, said provisions have been redesignated as §§ 6-111—6-114 at the discretion of the editor.

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- (3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies as well as the vaccination, micro-chipping, and spay and neuter records of cats in the sponsor's colonies.
  - (4) Provide, at a minimum, written educational training for all caretakers addressing uniform standards and procedures for colony maintenance.
  - (5) Report annually to the department on the following:
    - a. Number and location by zip code of colonies for which it acts as a sponsor in the county;
    - b. Total number of cats in each of its colonies;
    - c. Number of cats from its colonies micro-chipped, vaccinated, and spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
  - (6) Use due consideration to prevent feral cat colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to nature preserves, where the presence of a feral cat colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;
  - (7) Provide any forms or other documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care or other forms of assistance for their feral cat colonies which may be available to them;
  - (8) Provide to the department the location, by address, of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this article or where the sponsor has been unable to resolve a nuisance behavior situation.
- (d) Feral cat colony caretaker responsibilities. In order to be an approved managed feral cat colony caretaker, said caretakers shall be responsible for the following:
- (1) Registering the colony with the sponsor.
  - (2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine and to update the vaccinations as warranted and mandated by law.
  - (3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
  - (4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.
  - (5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The sponsor and the feral cat colony caretaker shall be the named contacts for purposes of the EAID.
  - (6) Providing the sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped, and spayed or neutered.
  - (7) Providing food, water and, if feasible, shelter for colony cats.
  - (8) Obtaining proper medical attention for any colony cat that appears to require it.
  - (9) Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat.
  - (10) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the caretaker requires access to provide colony care.

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- (11) Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes or foster homes for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.
  - (12) Reporting semi-annually in writing to the sponsor on (1) the location of the colony, (2) the number and gender of all cats in the colony, (3) the number of cats that died or otherwise ceased being a part of the colony; (4) the number of kittens born to colony cats and their disposition, (5) the number of cats placed in animal shelters or in permanent homes as companion cats, (6) the number of cats vaccinated, (7) the number of cats micro-chipped, and (8) the number of cats spayed or neutered.
- (e) Withdrawal of feral cat colony caretaker or sponsor. In the event that a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall notify his or her sponsor.

In the event a sponsor is unable or unwilling to continue to perform its role, it shall so advise the department. The sponsor shall work with the department to obtain a replacement sponsor. If no new sponsor is found within 30 days, the sponsor shall notify the department.

- (f) Disposition of feral cat colony cats.
- (1) An animal control officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a feral cat colony, shall scan the cat for an EAID. If an EAID is found, the officer shall attempt to contact the sponsor or feral cat colony caretaker. If an EAID is not found, the officer shall take reasonable steps to notify a sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The sponsor shall then take all appropriate and available steps to identify the feral cat colony caretaker of this cat or a feral cat colony caretaker who will take responsibility for managing this cat.
  - (2) If the feral cat colony caretaker is not able to immediately take custody of the cat, the officer shall transport the cat to the sponsoring humane society's animal shelter or nearest animal shelter. The feral cat colony caretaker shall be responsible for retrieving the cat from the shelter within three (3) business days or advising the shelter if he or she does not intend to retrieve the cat.
  - (3) The department, its designee, or a licensed veterinarian, shall be the only persons permitted to destroy a feral cat.
  - (4) No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a feral cat. Animal care, subsection (k), the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)

### **Sec. 6-114. Chapter enforcement.**

- (a) The department or its designee, in order to encourage the stabilization of the feral cat population in the county, shall have the following rights:
- (1) The right to trap in a humane manner and remove any cats that (1) have not been vaccinated against rabies or which are demonstrating signs of the disease, (2) are not spayed or neutered, (3) are not



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identifiable through an EAID as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker, or (4) for public health or public safety concerns.

If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a sponsor can arrange to have the cat spayed or neutered, ear tipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The sponsor may then arrange for the cat to be adopted or placed in a feral cat colony.

If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed under the supervision of the PH administrator or his/her designee (preferably an infectious disease authority).

- (2) The right to direct that a sponsor remove a feral cat that is creating a nuisance if the sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the department directs the sponsor to remove the cat, the sponsor shall have 30 days to do so. Failure of the sponsor to remove the cat within said time period (or such longer time as the department may specify) shall constitute grounds for the department to remove the cat.
- (b) Animal control officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a feral cat.
- (1) In the event that an ACO or police officer finds that a feral cat or feral cat colony has created a nuisance, the ACO or police officer shall advise the department and sponsor in writing of the nuisance.
  - (2) The sponsor shall have the right to review the matter with the administrator of the department. If the sponsor is not able to satisfy the administrator that a nuisance is not occurring, the sponsor shall have 30 days to comply with the administrator's direction with respect to correcting the nuisance. If the sponsor fails to correct the nuisance, the department shall have the right to remove the cat.
- (c) If a sponsor fails to perform its responsibilities as defined in section 6-113(c) of this article, the department may notify the sponsor that it must comply with the requirements of this article within 30 days. If the sponsor fails to do so, the department may remove this sponsor from the list of department approved sponsors, and may reassign the feral cat colonies from this sponsor to another sponsor.
- (d) If a feral cat colony caretaker regularly fails to comply with this article, the sponsor may notify the feral cat colony caretaker that he or she has 30 days to make all reasonable efforts to fulfill the responsibilities defined in section 6-113(d) of this article. If the feral cat colony caretaker fails to comply within that time period, the sponsor may identify and obtain replacement feral cat colony caretakers for the feral cat colonies of the non-compliant feral cat colony caretaker. If no other feral cat colony caretaker can be found within 30 days, the sponsor shall notify the department, and the department may humanely remove all, or parts of, the feral cat colonies and dispose of them in accordance with section.
- (e) Feral cats who were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective, but did not have an EAID inserted or were marked as feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to be in compliance with this article, if all other requirements in section 6-113(d) are being met by their feral cat colony caretaker. Feral cat colony caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this ordinance within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

( Ord. No. 11 , ¶ 1, 4-17-2018; Ord. No. 5-2018 , ¶ 1(Exh. 1), 11-20-2018)