

ORDINANCE

**TO AMEND ARTICLE XVII
OF THE MCHENRY COUNTY PUBLIC HEALTH ORDINANCE**

WHEREAS, the McHenry County Department of Health has determined that changes in the Requirements of Article XVII of the McHenry County Public Health Ordinance are necessary.

WHEREAS, enforcement of the Animal Control Ordinance in McHenry County is a responsibility of Department of Health.

WHEREAS, recent changes in the State Animal Control Act have been utilized in the development of the amendments.

WHEREAS, input from the Animal Control Advisory Committee has been requested and utilized in the formation of the requirements.

WHEREAS, the attached amendment has been approved by the Board of Health and Public Health and Human Services Committee of the County Board, and reviewed by the State's Attorneys Office

NOW THEREFORE BE IT ORDINANED, by the County Board of McHenry County hereby amends the attached Article XVII of the McHenry County Public Health Ordinance.

BE IT FURTHER ORDINANED, that these changes shall be effective on April 19, 2005.

DATED at Woodstock, Illinois, this 19th day of April in the year 2005.

Kenneth D. Koehler, Chairman
McHenry County Board

ATTEST:

Katherine C. Schultz, County Clerk

ARTICLE XVII

AN ARTICLE REGULATING

ANIMAL CONTROL

FOR

MCHENRY COUNTY

AMENDED JANUARY 24, 2005
MCHENRY COUNTY BOARD

PUBLIC HEALTH ORDINANCE

ARTICLE XVII

ANIMAL CONTROL

SECTION 1

GENERAL PROVISIONS

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

1.02 Policy and Purpose. ~~It has been found by the McHenry County Board of Health that animals that are not controlled by responsible owners become a hazard to safety and health of persons. It has also been established that rabies is endemic in wild life in McHenry County, Illinois and that rabies vaccination of dog and cat pets is an important barrier to preventing an epidemic of the disease in pets and thereby preventing a potential disease problem in the susceptible population of the County. Registration provides an important means of identifying owners of biting animals and thereby establishes responsibilities for ten (10) day quarantines. The registration fees provide moneys to pay the costs of effectuating the Animal Control Program in the County. The McHenry County Board of Health has determined that over crowding of animals on a premises creates nuisance and sanitation problems as well as safety hazard to persons in residential areas.~~ The purpose of this ordinance is to provide protection for the people of McHenry County, to ensure their health, safety, and welfare, and to provide harmonious relationships between people and animals by:

- A. Protecting the residents of McHenry County from rabies by specifying such preventive and control measures as may be deemed necessary;

- B. Providing security to residents from annoyance, intimidation and injury from dogs and other animals;
- C. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards;
- D. Encouraging responsible pet ownership;
- E. Educating the public in rabies and other animal related issues;
- F. Providing for the assessment of penalties for violations and for the enforcement and administration of this Ordinance.

1.03 Scope. This article shall include the following provisions:-

- A. Duties of owners to control all domestic, and exotic or zoo animals in their custody-;
- B. Duties of owners to vaccinate dogs in their custody against rabies-;
- C. Duties of owners to register all dogs in their custody with the Department-;
- D. Duties of the ~~Rabies Inspector~~ Administrator in cases of dog and cat quarantine-;
- E. ~~Duties of owners of dogs to purchase County Rabies Tags-~~
- E Provisions for impoundment or confinement of biting animals-;
- F. ~~Duties of owners or persons who keep horses and restrictions for keeping them in non agriculturally zoned areas-~~

F. Provisions for penalties to owners who cruelly treat or neglect animals in their possession.

SECTION 2 DEFINITIONS

2.00 "ADMINISTRATOR" is 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 Deputy Administrator regarding all medical decisions.

2.01 "Animal" Is Any vertebrate creature, domestic or wild except for human.

2.01.1 "ANIMAL CAPABLE OF TRANSMITTING RABIES" includes all animals classified as mammals.

2.01.5 "Animal Control Advisory Committee" Is Aa group of selected community members duly appointed by the Board of Health.

2.01.6 "Animal Control Officer" is any person appointed by the

Administrator and approved by the Board to perform duties as set forth in this Article and/or state statutes pertaining to animals.

2.02 "Animal, Controlled or Restrained" Means refers to any owned animal that is either secured by a leash or lead or under voice control or within the premises of its owner or confined within a crate or cage or confined within a vehicle or on the premises of another person with the consent of that person.

2.02.03 "Animal, domestic" means dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal that are sold or

retained as household pets and further includes farm animals but shall not include skunks, non human primates and any other species of wild, exotic, fur-bearing mammal or carnivorous animal that may be further restricted in this ordinance.

2.02.05 "Animal Control Facility" is any facility licensed by the Illinois Department of Agriculture and approved by the Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

2.03 Animal, ~~Dangerous~~ or Potentially Vicious.

- A. "Potentially Vicious dog" ~~or "Vicious animal"~~ means:
- (i) Any individual dog or animal ~~that~~ which when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
 - (ii) Any individual dog or animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
 - (iii) Any individual dog or animal which attacks a human being or domestic animal without provocation;
 - (iv) Any individual dog or animal which has been found to be a "dangerous dog" or animal upon 3 separate occasions;
 - (v) No dog or animal shall be deemed "Potentially vicious" if it bites, attacks or menaces anyone who has tormented

or abused it or is a professionally trained dog for law enforcement or guard duties.

~~B. "Dangerous Dog" or animal means any individual dog or animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.~~

~~C.-(vi) Any animal which according to the records of the Health Authority Administrator, has killed a domestic animal without provocation while it was off the owner's property or,~~

~~D.-(vii) Any dog owned or harbored primarily or in part for the purpose of dog-fighting or any dog trained for dog fighting.~~

~~E. Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property.~~

~~(v) No dog or animal shall be deemed "vicious" if it bites, attacks, or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.~~

~~2.04 Animal, Potentially Dangerous. Shall mean any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack or other wise threaten the safety of human beings or domestic animals.~~

2.04.

~~2.05 "Animal, Exotic"- Species of Exotic animals shall including include the following, but are not limited to:~~

AGEND #15.1.A

~~poisonous reptiles,~~ Felis Concolor (i.e. Cougar, ~~lions, tigers,~~ leopards, ~~ocelots, jaguars, cheetahs, margays,~~ mountain lions, Panther, Puma, Catamount, Florida Panther); Panthera (i.e. Lion, Tiger, Leopard, Jaguar, Snow Leopard); Neofelis (i.e. Clouded Leopard; Acinonyx (i.e. Cheetah); Felis wiedi (i.e. Margay); Felis lynx (i.e. Lynx) Felis rufus (i.e. Bobcat); Leopardus pardalis (i.e. Ocelot); Yagouaroundi (i.e. Jaguardundis); Hyaenidae (i.e. Hyenas); Canis Lupus (i.e. Gray Wolf, Timber Wolf, White Wolf); Canis Rufus (i.e. Red Wolf); Alopex lagopus (i.e. Artic fox, Polar Fox, White Fox, Blue Fox); Uracyon cinereoargenteus (i.e. Gray Fox); Canis latrans (i.e. Coyote); Ursidae (i.e. Black Bear, Brown or Grizzly Bear, Polar Bear); Proboscides (i.e. Elephant); non human primates; Crocodylia (i.e. Crocodiles, Alligator); all species of the following families or genera of Squamata (snakes and lizards): Helodermatidae (i.e. Gila monsters); Elapidae (i.e. Cobras, coral snakes); Hydrophiidae (i.e. sea snakes); Viperidae (i.e. vipers and pit vipers); Atractaspidae (i.e. burrowing asps) Dispholidus typus (i.e. boomslang snake); Thelotornis kirtlandii (i.e. twig snake); Rhabdophis (i.e. keelback snakes); Eunectes murinus (i.e. Green anaconda); Python sebae (i.e. African rock python); Python molurus (i.e. Burmese python); Python reticulates (i.e. Reticulated python); Liasis amethystinus (i.e. Amethystine python) or any other animal or reptile deemed dangerous by the McHenry County Health Department, Illinois Department of Agriculture, or Illinois Department of Conservation. ~~Canadian lynx, bobcat, jagurandis, hyenas, coyotes, Artic fox, bears, prairie dogs,~~

~~camels, alligators, camel, elk, ostrich, cervidae and non-poisonous snakes that exceed 6 feet in length~~

2.06 Animals, Farm. Animals of the species of fowl, ovine (i.e. sheep), caprine (i.e. goat), bovine (i.e. cattle), porcine (i.e. pig) and equines (i.e. horse).

2.06.04 "Fur-bearing mammals" means the following specific species, mink, muskrat, raccoon, striped skunk, weasel, bobcat, opossum, beaver, river otter, badger, red fox, gray fox, and coyote.

2.06.05 "Fur-bearing farm" means a farm, ranch or facility which breeds and raises fur bearing mammals for the purpose of commercial enterprise.

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

2.07 Animal, Stray. Means any domestic animal that is not controlled.

2.08 "BITE" ~~shall~~ means seizure of a person with the jaws or teeth of any ~~dog or other~~ animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such ~~cat, dog or other~~ animal with any break or abrasion of the skin.

2.08.1 "Bite, serious" is any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or occurs when multiple bites have been inflicted.

2.08.3 "Business day" is any day including holidays that the animal control facility is open to the public for animal reclaims.

2.08.8 "Cat" is all members of the family Felidae.

~~2.09 Cattery, Commercial. A structure and/or land in or on which domestic cats are raised, bred and kept for sale and which operation is the primary source of owner's income.~~

2.10 "Circus" is Any commercial variety show licensed by the United States Department of Agriculture and approved by the Administrator, featuring animal acts for public entertainment, and further includes the place where these animals are housed when not performing.

2.11 "Confined" Means is restriction of an animal at all times by the owner in a manner that will isolate the animal from the public and other animals.

2.12 "Dangerous Dog" Means is any individual dog which when either unmuzzled, unleashed, or unattended by its owner, ~~or a member of its owner's family,~~ or custodian in a vicious or terrorizing 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 in a public place. ~~manner, approaches any person in an~~

~~apparent attitude of attack upon streets, sidewalks, or any public grounds or places.~~

2.12.3 "Deputy Administrator" is a veterinarian licensed by the State of Illinois, appointed by the Administrator.

2.12.5 "Dog" is all members of the family Canidae.

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

2.13 "Enclosure". ~~Means~~ is a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. Furthermore, a similarly secured perimeter enclosure shall be designed to surround the primary enclosure at a distance of no less than 1 ½ feet to prevent escape of the animal.

If the enclosure is a room within a residence, 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.

2.13.5 "FOUND TO BE VICIOUS" means:

(i) The Administrator, an Animal Control Officer, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined, and

based on that finding, the Administrator has declared in writing that the dog is a vicious dog or;

(ii) That the circuit court has found the dog to be a vicious dog as defined and has entered an order based on that finding.

2.14 "Guard Dog" ~~Shall mean~~ is a dog specifically trained for guard duties ~~used in a commercial business~~ or a dog used by a municipal or police department for the purposes of patrol and protection.

2.15 Guide Dog. ~~Shall mean a dog trained by a recognized organization to lead the handicapped.~~

2.16 Horse Farm. ~~A structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owner's primary occupation.~~

2.17 Impounded. "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found Administrator.

2.18.5 "Inoculation against rabies" is the injection of an antirabies vaccine approved by the Illinois Department of Agriculture administered by a licensed veterinarian.

2.18 Kennel, Commercial. Any building, structure or enclosure used or intended to be used primarily for the housing of any number of ~~dogs~~ animals. Commercial activities ~~may~~ include, but needare not be limited to, animal services i.e.: public boarding, sale of ~~dogs~~ animals and sale of items or products related to ~~dog~~ animal care.

2.19 Kennel, Private. Any building, structure or enclosure used or intended to be used for housing of animals kept for the

purpose of the raising, breeding, training, exhibiting and sale subject to the appropriate requirements of this Article. All animals kept must be owned by or co-owned by or under contract to the owner or lessor of the site. At the time of the sale of an animal, supplies relating to the pet's care may be sold.

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

2.19.8 "Licensed Veterinarian" is a veterinarian licensed by the States in which they engage in the practice of veterinary medicine.

~~2.20 Livery. Shall mean an operation which keeps horses for rent by the hour, day or week for the purpose of recreational riding.~~

2.20.5 "OWNER" ~~Means~~ is any persons having a right of property in a dog or other domestic animals, or who keeps or harbors a dog or other domestic animal, or who has it in ~~his~~ their care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by ~~him~~ them for a period of seven days or more.

2.20.6 "Person" is any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, municipal corporation or political subdivision, or any other business unit.

2.20.7 "Pet shop" means any business that sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds,

fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

2.21 Public Nuisance. Any animal ~~or animals~~ which:

- A. Molests passer-by or passing vehicles.
- B. Attacks other animals.
- C. Trespasses on school grounds.
- D. Is repeatedly at large.
- E. Damages private or public property.
- F. Barks, whines or howls in an excessive, continuous untimely fashion.

2.21.3 "Physical injury" is the impairment of physical condition.

2.21.4 "Physical injury, serious" is a physical injury that creates a substantial risk of death or that causes death, serious or protracted impairment of health, impairment of the function of any bodily organ, or requires plastic surgery to correct injury.

2.21.5 "Research Facility" is any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan or contract from a department, agency or instrumental of the United States for the purpose of carrying out research, tests, or experiments. Such facility must be approved by and meet all

requirements of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

2.21.6 Restraint. A dog or animal, off the premises of the dog owner's owned or real property is under restraint within the meaning of this ordinance;

- A. If it is controlled by a leash and held by a competent person capable of controlling such animal.
- B. When at "heel" of a competent person.
- C. When within a vehicle being driven, parked or stopped.
- D. When accompanied by a person competent in commonly accepted methods of control.

~~2.22 Runline. Means a system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.~~

~~2.23 Stable, Private (Non Professional). An accessory and/or land use which is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of the dwelling and their guests, but in no event as livery.~~

~~2.24 Stable, Professional. A structure and/or land in or on which an operator keeps equines primarily for boarding, training and giving lessons, but in no event as livery.~~

~~2.25 Stable, Public (i.e. Livery). A structure and/or land operating to keep equines for hire, and to solicit and promote business and remuneration for services as the primary source of income.~~

2.25 "SUPPORT DOG" is a dog trained by a recognized organization to assist the handicapped.

~~2.26 Zoo, Commercial.~~ "Zoological park" ~~A structure and/or land in or on which animals other than farm animals are kept for exhibit and/or sale.~~ is any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing.

2.27 "Vicious dog" is a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions or any individual dog that has been found to be a "potentially vicious dog" upon 2 separate occasions.

SECTION 3

PERMITS, FEES, LICENSES, REGISTRATIONS

3.01 County Dog Registration. Every owner (except for Animal Control Facilities licensed by the Illinois Department of Agriculture) of a dog four months or more of age shall register such a dog and shall pay an annual registration fee for said dog at a place designated by the McHenry County Board of Health. Upon payment of the required fee, a registration ~~certificat~~ tag shall be issued. When an owner fails to register ~~his~~ their dog, the McHenry County Board shall cause the registration fee to be collected from the owner. Whenever a dog owner has a Veterinarian's Certification~~one~~ indicating that a three year rabies vaccine ~~which is~~ recognized in Illinois has been administered, ~~by a Veterinarian to his/her dog,~~ that dog owner may elect to

purchase a three year registration tag at a fee designated in section 3.08. The owner of any dog which has been determined by a licensed veterinarian to be too ill to be vaccinated, or where rabies vaccination would be contra-indicated, shall register such dog annually in accordance with fees designated in section 3.08. The veterinarian shall issue correspondence to the owner for said dog, clearly stating why it is medically contraindicated to vaccinate the dog. Certification is required on an annual basis.

3.02 Registration tags - Unlawful Possession, etc. Registration tags shall not be transferred from one dog to another, nor shall a person affix a registration tag to a dog other than the animal for which the tag was issued ~~at the time of its rabies vaccination / registration.~~ A person shall not ~~affix a registration tag to a dog that has not been vaccinated against rabies, nor shall a person~~ counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies registration tags or vaccination certificate.

3.02.4 Late registration. Failure of an owner to register their dog within 30 days of rabies vaccination, or 30 days of the vaccination anniversary date in the case of a 3 year vaccine will result in an additional fee as specified in Section 3.08.

3.02.6 New County Resident. When a person moves into McHenry County and has a current vaccination and registration tag from the County from which they moved, that person shall register their dog with McHenry County within 60 days of residency. Such registration may be obtained at the cost of a replacement tag as designated in section 3.08. Registration tags issued are based on

the vaccination date, in no case shall tags issued at the replacement tag cost be valid for more than 12 months.

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

~~3.04 Commercial Zoo.~~ ~~No person, firm or corporation, shall own or operate a commercial zoo in McHenry County who does not possess a commercial zoo permit issued to him by the McHenry County Department of Health. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such permit. The permit year shall be from January 1 to December 31.~~

~~3.05 Commercial Kennels.~~ ~~Commercial kennel operators licensed by the State of Illinois shall be required to register their dogs or cats in accordance with the fee schedule in Section 3.08.~~

~~3.06 Private Kennels.~~ ~~Private kennel operators shall be required to register their dogs or cats in accordance with the fee schedule in Section 3.08~~

3.07 Registration Tags. Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; ~~Serial~~ tag No. _____; Illinois Department of Agriculture; name of County and year.

This tag shall also serve as the registration tag and no dog shall be deemed officially rabies vaccinated unless this tag along with the official registration certificate signed by an ~~official Registrar~~ veterinarian has been issued by the McHenry County Department of Health.

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

3.07.5 Authority of Animal Control to ascertain inoculation. The Administrator is authorized to ascertain by observation and by inquiry of the animal owner if a dog is inoculated against rabies and registered.

3.08 Schedule of Fees. The following fees shall be required:

<u>TYPE</u>	<u>FEE</u>
Annual Dog Registration (not neutered)	\$16.00
Annual Dog Registration (neutered)	\$ 8.00*
Three year dog registration (not neutered)	\$39.00
Three year dog registration (neutered)	\$19.00*

Senior Citizens dog registration	
(owner is 62 years or older)	
1 year, (neutered)	\$3.00*
1 year, (not neutered)	\$7.00
3 year, (neutered)	\$7.00*
3 year, (not neutered)	\$17.50
Replacement registration tag	\$2.00
Late registration fee	\$10.00
(after 30 days past vaccination date	
or 30 days past anniversary date in the	
case of a 3 year vaccination)	
Adoption Fee (dogs) (per animal, includes:	
heartworm test, spay/neuter,	
microchip, rabies vaccination and one year	
registration)	\$80.00
Adoption Fee (cats) (per animal, includes:	
spay/neuter, microchip, Felv & FIV	
tests, rabies vaccination and 1 year registration) for cat which	
has been available:	
for adoption up to 60 days	\$80.00
for adoption 61-120 days	\$60.00
for adoption 121-180 days	\$40.00
for adoption more than 180 days	\$20.00
Transfer of dog to another approved shelter or	
Rescue (no tests or vaccinations)	no charge
Transfer of cat to another approved shelter or	
rescue (no tests or vaccinations)	no charge
Redemption Fee Animals with identification	

(id tag, microchips, tattoos) which identifies the owner at their current address	\$45.00
Redemption Fee for animal without identification or identification which does not identify the owner at their current address	\$55.00
Redemption Fee (second offense)	\$75.00
Redemption Fee (third and subsequent offenses)	\$150.00
Veterinary Services	\$25.00
Board for impounded animal, daily	\$10.00
Pick up fee for relinquish animals	\$50.00
Disposal per animal, less than 15 lbs.	\$15.00 30.00
Disposal per animal, 15 - 45 lbs. and over	\$20.00
40.00	
Disposal per animal, 46 - 100 lbs.	\$50.00
Disposal per animal, over 100 lbs.	\$75.00
Disposal per animal, non-resident of McHenry Co.	\$25.00 75.00

Microchipping

\$2515.00

Relinquish rabies observation per animal (10 days)	\$75.00
100.00	
Relinquish per dog, under 45 lbs or 7 years	\$30.00
Relinquish per dog, over 45 lbs or 7 years	\$50.00
Relinquish per dog, under 6 months	\$20.00
Relinquish 3 or more pups, under 6 months	\$35.00
Relinquish per cat, under 7 years	\$15.00
Relinquish per cat, over 7 years	\$25.00

AGEND #15.1.A

Relinquish 2 to 10 kittens/cats	\$25.00
Service charge for payment plan	\$20.00
Specimens - prepared	
under 5 lbs.	\$15.00
over 5 lbs.	\$25.00
Specimen - unprepared (does not include disposal fee)	
under 15 lbs.	\$25.00
over 15 lbs.	\$50.00
Pick up fee for specimens (excludes species which are common carriers of rabies in this area i.e.: skunks, bats, foxes)	\$25.00
Annual status fee for vicious dog (due April 1 of each year)	\$ 1 200.00
Annual status fee for potentially vicious dog (due April 1 of each year)	\$100.00
Wildlife removal	\$50.00
Deposit on loan of live traps when picked Up/returned in office (includes \$25.00 Non refundable handling fee)	\$40.00
Deposit on loan of live traps when delivered/ picked up by Animal Control Officer (includes \$25.00 non refundable handling fee)	\$50.00

* A spay or neuter certificate from licensed veterinarian is required.

SECTION 4
INSPECTIONS

4.01 Commercial Kennels. The Administrator ~~or his~~ ~~representatives~~ shall cooperate with and assist, when necessary, the Illinois Department of Agriculture in inspections and enforcement of State Laws, Rules and Regulations regarding Commercial Kennels.

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

SECTION 5
DANGEROUS/VICIOUS ANIMALS - PUBLIC NUISANCE

5.01 Public Nuisance. It is unlawful for any person to maintain a public nuisance by permitting any dangerous/ or vicious dog ~~or other animal~~ to leave the premises of its owner when not ~~under control by leash or other recognized control methods~~ muzzled and appropriately leashed.

5.02 Exemptions for ~~Animals~~ dogs that are Provoked. No dog ~~or animal~~ may be declared dangerous or vicious if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or has, in the past, been ~~observed or~~ reported to have ~~teased, tormented,~~ abused or assaulted the dog or was committing or attempting to commit a crime.

5.03 Guide, Sentry, Guard, ~~or~~ Police-Owned Dogs or those working in cooperation with law enforcement agencies. Guide dogs for the blind, hearing impaired, support dogs for the physically handicapped, sentry, guard, ~~or~~ police-owned or enforcement dogs are exempt from Section 5.01; 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 residing in McHenry County shall be currently inoculated against rabies and shall be registered annually with the McHenry County Department of Health. It shall be the duty of the owner of such exempted dogs to notify the McHenry County Department of Health of change of address. In the case of a sentry or guard dog, the owner shall keep the Department advised of the location where such dogs will be stationed. The McHenry County Department of Health shall provide police and fire department with a categorized list of such exempted dogs and shall promptly notify such departments of any address changes reported to the Department. Responsibility of Owner — ~~Dangerous Dog or animal~~ of exempt dogs. The owner of any dog ~~or animal~~ ~~exempt~~ which could be exempted under this Section shall provide the Administrator with

the breed, description, name and location where such dog or animal can be expected to be located at all times when not on leash or under direct control of its owner.

5.04 Vicious Dogs. ~~It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an escape proof enclosure or on a run line. The only times that a vicious dog may be allowed out of the enclosure or off the run line are is (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or (2) to comply with the order of a court of competent jurisdiction, provided that At such time said vicious dog is must be securely muzzled and restrained with a chain having tensile strength of 300 pounds and not exceeding 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.~~ (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, animal control warden, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records and 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. 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. The owner shall bear all expenses relating to the confinement.

A dog shall not be declared vicious if the court determines the conduct of the dog was justified because either:

(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; or

(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 has been met, the court shall deem the dog to be a vicious dog.

5.04 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. A dog found to be a vicious dog shall not be released to the owner until the

Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper 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 County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided within 5 days of change of address.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure ~~or on a run line~~ shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

No owner or keeper of a vicious dog shall sell or give away any vicious dog.

Potentially Vicious dog determination.

(a) After a thorough investigation including: sending, within 3 business days of the Administrator or Director 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 or Director prior to the making of a determination; gathering of any medical or veterinary evidence;

interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "Potentially Vicious". No dog shall be deemed a " Potentially Vicious" without clear and convincing 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 Potentially Vicious if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because either:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or

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

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

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

(c) If deemed Potentially Vicious, the Administrator, or his or her designee, or the Director 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) Confinement within an enclosure
- (2) 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
- (3) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
- (4) The Administrator may order a potentially vicious 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.

(d) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, sentry, guard, police-owned or enforcement dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted

dogs, and shall promptly notify the departments of any address changes reported to him or her.

5.04.1 The owner of a dog which has been declared potentially vicious by the Department may appeal that decision. The appeal process to be followed shall be as specified in Article I Section 3 of the Public Health Code of McHenry County. The declaration of the dog as vicious or dangerous shall remain in effect and the requirements of the state Animal Control law and this County code as specified in the declaration letter shall be complied with while during the appeal process ~~is being heard~~.

5.04.2 The owner of a dog which has been declared a "Vicious Dog" or "Potentially Vicious" by the Department or by the Courts shall pay an annual status fee to the Department as indicated in section 3.08. Such fee shall be due April 1 of each year. The owner of any dog which has been declared Vicious or Potentially Vicious must pay the annual status fee within 60 days of notification of such declaration. No refunds will be issued for any reason.

5.05 Injunction against Dangerous/Potentially Vicious/Vicious Dogs or other animals. The Administrator, the State's Attorney, or any citizen of McHenry County in which a Dangerous/Potentially vicious/Vicious dog ~~or other animal~~ exists may maintain 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~~their premises when not under control by leash or other recognized control methods by a

competent person. Upon the filing of a complaint in any court of competent jurisdiction, the court, if satisfied that this nuisance may exist, shall allow a temporary writ of injunction with bond 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 a decree restraining the owner from maintaining such nuisance and may decree that such dog ~~or other animal~~ be ~~humanely dispatched~~ euthanized.

Dangerous dog determination.

(a) After a thorough investigation including: sending, within 3 business days of the Administrator or Director 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 or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing 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, or the Director determines the conduct of the dog was justified because either:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or

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

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

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

(c) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order 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:

(5) 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

(6) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(7) 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.

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

5.05.02 Dangerous/Potentially Vicious dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous/potentially vicious dog to leave the premises of its owner when not under control by leash or other recognized

control methods.

(510 ILCS 5/15.3)

Sec. 5.05.03 Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an 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 clear and convincing 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 Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois

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. All costs relating to the compliance of requirement shall be borne by the owner.

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

5.06 Acceptable Control Methods of Transport- Dangerous/Vicious Dogs.

~~1. Dangerous Dogs~~

A. ~~An animal~~ wWithin an enclosed automobile, truck or

other vehicle not being used as a public conveyance of humans. Must be muzzled in accordance with 5.04 and restrained.

B. ~~An animal~~ In shipment on a public conveyance and properly confined in a shipping container constructed of materials in such a manner to prevent the animal from biting other animals or the public. Such container shall be conspicuously labeled "DANGEROUS/VICIOUS DOG".

~~5.07 Responsibility of Owner Dangerous Dog or animal of exempt dogs. The owner of any dog or animal exempt which could be exempted under this Section shall provide the Administrator with the breed, description, name and location where such dog or animal can be expected to be located at all times when not on leash or under direct control of its owner.~~

5.08 Dogs - One Serious Bite. One serious bite inflicted on a person who was peacefully conducting himself in any place where he may lawfully be, is sufficient cause to declare that animal dog "vicious". Postal authorities, utilities and other public services have an implied right to be on private property when delivery of those services is expected by the property owner.

~~5.09 Restraint. A dog or animal, off the premises of the dog owner's owned or real property is under restraint within the meaning of this ordinance;~~

~~———— A. If it is controlled by a line or leash of sufficient ———— strength to keep such animal under control and held by a ———— competent person capable of controlling such animal.~~

~~———— B. When at "heel" of a competent person.~~

~~C. When within a vehicle being drive, parked or stopped.~~

~~D. When accompanied by a person competent in commonly accepted methods of control.~~

5.10 Running at Large/Restraint - Impoundment.

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

B. Every owner of a dog, cat or other domestic animal shall contain such animal to the confines of the owner's real property unless the animal is under restraint.

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

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

D. When dogs, cats or other domestic animals are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. ~~He~~ The Administrator shall give notice of not less than seven (7) days to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator, ~~or his authorized agent,~~ who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog. In case the owner of any impounded dog desires to make redemption thereof, ~~he~~ they may do so on the following conditions:

1. ~~He~~ They must present proof of current registration and rabies inoculation.

OR

2. ~~He~~ They must pay for the registration and obtain rabies inoculation of the dog within 10 days of redemption.

AND

3. ~~He~~ They must pay the McHenry County Department of Health for the period it was impounded as per Section 3.08.

4. ~~He~~ They must pay an additional redemption fee as designated in Section 3.08, and all other costs incurred.

This shall be in addition to any other penalties invoked under this Ordinance.

E. If no owner is known, the stray animal shall be held for a period of 3 working days. If after that time no owner has come forward or been identified, the animal may be disposed of in accordance with the provisions of this ordinance.

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

5.11 Non-redemption/adoption/spaying or neutering. When not redeemed by the owner, a ~~dog~~ an animal which has been impounded ~~for failure to be inoculated and registered, if applicable,~~ in accordance with the provisions of this ordinance shall be offered for adoption or euthanized in accordance with the Illinois Euthanasia in Shelters Act. ~~humanely dispatched, offered for adoption, or otherwise disposed of by the Department as a stray dog or cat.~~ Live animals shall not be used for research purposes, nor released to any individual, organization or educational institution for research or experimental purposes or sold, transferred or held for such purposes. An unredeemed dog or cat shall not be released for adoption unless the animal has been

~~microchipped and rendered incapable of reproduction by spaying or neutering. or the A person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed within 30 days of adoption a time to be specified at the time of adoption. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the Department Administrator. and aAny monies that have been deposited shall be forfeited and additional penalties may be imposed. This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Any persons purchasing or adopting such dog or cat with or without charge or donation, must pay for the rabies inoculation of such dog or cat and registration if applicable.~~

5.12 Redemption or Adoption of Dog over four months of age. An owner redeeming an unvaccinated dog over four (4) months of age, or any person adopting a dog over (4) months of age which has been impounded, shall cause such dog to be officially vaccinated against rabies within ~~five~~ ten(510) days after removing such dog from the pound. Dogs under four (4) months of age which are redeemed or adopted shall be caused by the owner to be vaccinated against rabies within thirty (30) days after reaching four (4) months of age.

5.13 Animals on Leash.

~~A. It shall be unlawful for any dog, cat or other animal even though on a leash, to be in or enter upon any restaurant, or any place where food is sold or processed.~~

~~B. It shall be unlawful for any dog, cat or other animal even though on a leash, to be present at or upon any school premises, public playground, park, public beach or public swimming pool, unless permission is granted by the agency which has such jurisdiction over same. Provided, that special areas in parks which may be designated for dogs, cats or other animals shall be permitted. The Health Authority may require that the feces from such animals be properly disposed of in appropriate containers or other methods.~~

~~C. The provisions of this Section shall not apply to working dogs leading blind persons, the hearing impaired or support dogs for the physically handicapped.~~

~~5.14 Female Animals in Heat. The owner of any female animal in heat (estrus) shall keep such animal confined in a manner which will prevent the attraction of male dogs~~ All dogs and cats in heat (estrus) shall be confined in a building or secure enclosure and attended in such a manner that such female cat or dog cannot come into contact with a male of the same species except for planned breeding.

~~5.15 Entry upon the Private Property of Another. The owner of any dog or cat shall not permit such dog or cat to enter upon the premises or property which is located within McHenry County, Illinois, of another person without permission of the owner of such premises or property.~~

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

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

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

5.17 Barking Dogs. No owner or person in the possession, custody or control of a dog(s), shall allow this (these) dog(s) to bark, whine, or howl; for a period longer than 15 minutes, intermittently for a period in excess of two hours, or between the hours of 10:00 p.m. and 6:00 a.m., so as to disturb the peace, quiet or repose, or be audible to another person of ordinary sensibility.

5.18 Destruction of Livestock. Any owner seeing ~~his~~ their livestock, including but not limited to: sheep, goats, cattle, horses, mules, swine, or poultry being pursued, chased, worried, wounded, or killed by a dog, not accompanied by or not under the

supervision and control of its owner, may pursue and kill such dog while presenting a threat.

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

5.19 Claims for Destruction. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of the Illinois Animal Control Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund, provided, he is a resident of this State and such injury or killing is reported to the Administrator within twenty-four (24) hours after such injury or killing occurs, and he shall have appeared before a member of the McHenry County Board, and make an affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. Members of the McHenry County Board are authorized to administer oaths in such cases.

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than two (2) witnesses who shall be freeholders of the County. The member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The member of the Board shall file a written report with the County Treasurer as to the right of the owner of sheep, goats, cattle, horses, mules, swine, or poultry to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry, the amount of damages to which he is entitled. ~~Unless the County Board, by Ordinance, establishes a schedule for damaged reflecting the reasonable value, the damages allowed for grade animals or poultry shall not exceed the amounts listed below.~~

Claims for Destruction

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

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

The maximum amounts herein~~above~~ set forth may be increased fifty percent (50%) for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient ~~money~~ monies in the portion of the fund set aside as provided in Section 7 of the Illinois Animal Control Act to pay all claims for damages in

full, then the County Treasurer shall pay to such owner of animals or poultry ~~his~~their pro rata share of the ~~money~~ monies available.

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Article.

5.20 Payment to owner of domestic animals no bar to action for damages - Repayment to Animal Control Fund. The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog/animal committing such injury or causing such loss for the recovery of damages therefore. The court or jury, before which such action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff for the use of the County, for the amount which the plaintiff has received on account of such damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to ~~his~~their own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages

by the County Treasurer, then the judgment shall be entered as aforesaid, for the use of the Animal Control Fund, for the full amount of such recovery. Writs of execution issued upon such judgment shall show on their face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

~~5.21 Dogs or Other Animals — Public Beaches. No person shall permit a dog or other animal to enter upon a public beach at any time. Any dog or other animal found using or upon a public beach within McHenry County, Illinois, shall be declared a public nuisance.~~

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

5.23 Pet shops shall list on the cage of each dog or cat the state of origin of the dog or cat offered for sale. The name, address and phone number of the breeder(s), and each subsequent owner or agent shall be provided in writing to the purchaser at the time of sale.

Each pet shop shall keep current records available for inspection by the Administrator for up to 1 year on each sale of a dog or cat which must include the name, address, phone number of the purchaser, the purchase price, and all complaints, records of

vaccinations and veterinary care and treatment, returns, breeder information, replacements or deaths of said animal.

Pet shops selling canines/felines are required to purchase a county permit as established in section 3.08. Permit must be posted in the pet shop in a prominent place for public viewing.

Section 6

Biting Animals

6.01 Biting Dogs, ~~or~~ Cats or other Animals. It is unlawful for any person having direct knowledge that any person has been bitten, ~~scratched, or otherwise injured~~ by a dog, cat or other animal capable of transmitting rabies to refuse to notify the Administrator ~~promptly~~ immediately. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator ~~or his authorized representative~~. It is unlawful for the owner of such dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator ~~or his authorized representative~~. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator ~~or his authorized representative~~, delivering or mailing such instruction is prima facie evidence that the owner of such dog or other animal was notified of ~~his~~ their responsibilities. Any expense incurred in the handling of any dog or other animal under this Section or

Section 5.14 shall be borne by the owner. For the purpose of this Section, the word "immediately" means telephone, in person, or by other than use of mail.

6.01.1 Physician Verification. It is within the scope of this Article that the Administrator may request physician verification of the reported bite.

~~6.02 Rabies Observation Period. The owner of any dog or other animal upon being notified that such dog or other animal has bitten or scratched any person shall cause such dog or other animal to be immediately taken to a place where confinement shall be under the observation of a licensed Veterinarian for a period of 10 days.~~ When the Administrator receives information that any person has been bitten by an animal the Administrator shall have the owner confine the biting animal under the direction of a licensed veterinarian for a period of ten days beginning within twenty-four hours of the biting incident.

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

- A. The biting animal is currently inoculated with rabies vaccine or;
- B. The biting animal has bitten a family member of the owner living within the same household, and is not currently inoculated with rabies vaccine or;

- C. The biting animal is an unvaccinated dog or cat under the age of 4 months or;
- D. The rabies vaccination of the biting animal expired less than 30 days prior to the date of the bite or;
- E. When hospital confinement is not practical or feasible.

When confinement of the biting animal is allowed in the home of its owner, the owner shall return the animal to the veterinarian on the 10th day after the bite.

The animal's health shall be reported by the veterinarian to the McHenry County Health Department, Division of Veterinary Public Health on the first and tenth day of the observation period for rabies.

Hospital confinement is required when:

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

Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex or such dog or other animal, on appropriate forms approved by the Department.

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

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

~~2. The animal inflicting the bite had been maintained in a controlled environment in a research institution for a period of at least 6 months, or for the life of the animal.~~

~~3. A physician indicates in writing that post exposure antirabies treatments may endanger the life of the person bitten.~~

~~42. Written permission is obtained from the owner of the biting animal~~When the owner has requested euthanasia of the biting animal or;-

53. The animal is deemed to be a stray by the Administrator.

When such animal is confined for a period of less than 10 days, for whatever reason, it shall be euthanized ~~at the end of the confinement period~~ and the brain submitted directly to a recognized laboratory for rabies examination. ~~It shall be the~~

~~responsibility of the person requesting the reduced confinement period to assure that the brain is transported, without delay, to a recognized laboratory so it will arrive in a satisfactory condition for rabies examination.~~

6.03 Liability for Injury. If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained.

6.04 Impoundment - Biting Dog/Animal Non - compliance.

~~A. When the administrator received information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed Veterinarian for a period of 10 days. The Department may, by regulation, permit such confinement to be reduced to a period of less than 10 days. Such Veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal, on appropriate forms approved by the Department. The Administrator shall notify the attending physician or responsible Health Agency. At the end of the confinement period, the Veterinarian shall submit a written report to the Administrator advising him~~

~~of the final disposition of such dog or other animal on appropriate forms approved by the Department. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of it's owner, or in a manner which will prohibit it from biting any person for a period of 10 days, if the Administrator, or other licensed Veterinarian, adjudges such confinement satisfactory. The Department may, by regulation, permit such confinement to be reduced to a period of less than 10 day. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or other licensed Veterinarian. It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly.~~

~~B. Physician Verification. It is within the scope of this Article that the Rabies Inspector may request verification of the bite by a physician.~~

~~C. Inoculated Biting Animal. When the Administrator is presented with evidence that a biting dog, cat or other animal has been currently inoculated with an approved vaccine for which certification is evident, such animal may be confined on the premises of the owner and away from the Public for 10 days so as to preclude another bite accident. The method of confinement may be designated by the Administrator. During the 10 day observation the confined animal shall be examined by a licensed Veterinarian on the first and 10th day of the period. The first examination shall be within 24 hours of the bite. Failure to provide proper confinement facilities will be sufficient reason for the Rabies~~

~~Inspector to direct impoundment in a facility under the direct supervision of a licensed veterinarian.~~

~~D. Unvaccinated dogs, or other animals. Dogs, or other animal which are not vaccinated as prescribed in Section 5 shall be confined at a Veterinary Hospital, pound or humane organization facility under close supervision of a licensed Veterinarian.~~

EA. Non-compliance with Section 5.04C6.02. Failure to return a biting animal under home observation to a Veterinarian for examination will constitute a violation of this Article. Each day of non-compliance will constitute a separate offense subject to fines.

F. Ill or Wounded Animals under Rabies Observation. Animals too ill or critically injured to survive the ten (10) day observation period may at the discretion of the Administrator be euthanized and the head sent to the official laboratory for rabies examination. This procedure will be paid for by the owner. Death of an animal that has bitten a person within the ten day observation period or confinement period shall be immediately reported to the Administrator and to the victim's physician.

G. Face Bites. The Administrator may direct an owner whose animal has bitten a person on the head to have such animal confined in a Veterinary Hospital, pound or humane organization facility for a period of ten (10) days whether or not such animal has been vaccinated against rabies as prescribed in Section 5.

HB. Unlawful to sell, give away or kill a biting animal. It is a violation of this Article for an owner or his/her agent to sell, kill or give away or otherwise dispose of any animal

that is known to have bitten a person within a ten (10) day period of a bite unless it is released by the Administrator or his authorized agent.

~~I. Family Member Bitten. When an animal has bitten someone in the owner's immediate family residing at the same address, that owner has the responsibility of having his animal examined on the first and tenth day of the 10 day period. The first examination shall be within 24 hours of the bite. It shall be a violation of this Article for an owner of such an animal not to comply with the written or printed recommendations made by the Administrator in any particular case. The written or printed recommendation shall, if possible be delivered in person by the Administrator or his properly authorized agent, Sheriff, or Municipal Police Officers. If such recommendations cannot be delivered in person, they shall be mailed by regular mail postage pre paid, and addressed to the owner of said animal.~~

~~J. Impoundment. It shall be the duty of every officer to impound any dog, cat or other animal which may be impounded pursuant to this Article. The pound keeper or other person responsible for the impoundment shall notify the owner of the impounded animal as soon as possible and release such animal after all violations of this Article are corrected.~~

KC. Removal from Quarantine confinement. No person shall remove from any place of observation or quarantine confinement any animal which has been isolated confined as authorized and provided for by the Administrator without the consent of the Administrator or his Deputies or Investigators. Violation of the

~~quarantine or isolation~~ confinement orders of the Administrator is a misdemeanor punishable by a fine.

6.05 When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

Section 7

RABIES - RABIES VACCINATION

7.01 Every owner of a dog four months or more of age, within the County of McHenry, Illinois, shall cause such dog to be inoculated by a licensed Veterinarian with a prophylactic rabies vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture. ~~to prevent rabies, and rabies vaccine currently licensed by the above named agencies will be recognized in the Illinois and McHenry County for either one year or for a three year immunization period.~~

~~A. Three Year Immunity. Low egg passage chick embryo, origin modified live virus Flury Strain rabies vaccine (safe for dogs only) will be recognized for three years, provided that the dog is at least one year of age at time of vaccination. If dogs under one year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one year.~~

~~B. One Year Immunity. All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for one year immunization period.~~

~~C. New Vaccines. New vaccines that may be recognized by the U.S. Department of Agriculture will be implemented and the immunity will be recognized for the specific period.~~

~~D. Cats will be Immunized. Cats will be immunized with vaccines specifically recognized for use in cats, as may be recognized by the United States Department of Agriculture.~~

~~7.02 Grace Period. This Article provides thirty (30) days for a dog owner to procure vaccination of his dog after the dog reaches the age of four months. Thirty (30) days are permitted for an owner to secure revaccination of his their dog after the previous vaccination time has lapsed.~~

~~7.03 Rabies Vaccine. Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed Veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Department and used in accordance with the manufacturer's recommendations.~~

~~7.04 Exposed Animals. Whenever a dog or other animal which has rabies and which has bitten another dog or other domesticated animal, the owner shall cause such bitten animal to be quarantined. Immediate euthanization of the bitten animal is recommended. If humane destruction is not permitted by the owner and such animal is a dog or cat with a current rabies vaccination, it shall be revaccinated and strictly quarantined for thirty (30) days. Unvaccinated dogs or other animals shall~~

~~not be vaccinated, but shall be quarantined under strict isolation for a six (6) month period. The cost of keeping and quarantining such dog or animal shall be borne by the owner. The quarantined animal, if such animals are dogs or cats and if healthy shall be vaccinated at the end of the six (6) month period~~ reasonable probability exists that a domestic animal has been exposed to a known rabid animal, the exposed animal shall be handled in a manner as recommended by the Illinois Department of Agriculture.

~~7.05 Rabid Dogs/Cat or other animal Disposal. The Health Authority or his designated representative shall dispose of any dog or other animal infected with rabies and shall have the authority to examine and impound any animal bitten by or exposed to any other animal infected with rabies. He shall have the authority to require the owners of such dogs, cats or other animals to take necessary measures to prevent the spread of rabies and to dispose of any exposed animal when such measures are not taken by the owners.~~

~~7.06 Destruction of Animals Report. Any person destroying an animal infected with rabies or suspected of being infected with rabies shall immediately notify the McHenry County Department of Health and shall surrender the carcass of such animal upon demand. The owner or custodian of such destroyed animal, shall provide the Health Department with full particulars thereof, including time date, location, the names and addresses of any person bitten by such animal, and also, the name and address of the owner or person having custody of any animal(s) exposed to the destroyed animal.~~

7.07 Dog or Cat Quarantine. Whenever the number of dangerous dogs or cats suffering from rabies, or dogs and cats running at large within the County of McHenry, Illinois, shall be such as to endanger the public health, public safety or general welfare, the Administrator, upon the recommendation of the Chairman of the Board of McHenry County, shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the Chairman containing such declaration shall be published at least once in a newspaper of general circulation in the County of McHenry, Illinois. After the first publication of such proclamation by the Chairman, it shall be unlawful for the owner or custodian of any dog or cat to permit such dog or cat to be at large contrary to the terms of such proclamation. The Department may order:

- A. That all dogs or other animals in the locality be:
 - 1. Kept confined within an enclosure.
 - 2. Kept muzzled and restrained by leash.
- B. That all owners or keepers of dogs or other animals take prophylactic measures as deemed necessary to prevent the spread of rabies.
- C. Other measures as may be necessary to control the spread of rabies.

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

The ~~Health Authority~~ Administrator, during the first week after the quarantine order is issued shall take proper measures to inform the citizens of McHenry County of the quarantine order and of the penalties attached to the violation of the order. The

quarantine order shall apply to all dogs and or cats whether vaccinated and registered according to the provisions of this Article or not, and shall be confined in the home of the owner of the animal or be under direct control of a competent person, ~~not less than fifteen (15) years of age.~~

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

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

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

~~7.09 Dogs or Cats bitten by other Dogs or Cats or Other Animals.~~
~~The owner of any dog or cat which shall have been bitten by another dog or cat shall immediately inform the Rabies Inspector,~~

~~giving the name and address of the owner of such dog or cat and the dog or cat identification number.~~

Section 8

EXOTIC ANIMALS - WILDLIFE

8.01 Exotic Animal. No person shall own, or keep in their custody any exotic or crossbred or hybrid exotic animals ~~including poisonous reptiles, lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canadian lynx, bobcat, jaguardundis, hyenas, artic fox, bears, prairie dogs, caymans, alligators, camel, elk, ostrich, cervidae and non poisonous snakes that exceed 6 feet in length,~~ in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge.

8.02 Domestication No Defense. It is no defense to a violation of this Article that the keeper of any animal or poisonous reptile which is prohibited by Section ~~3.01~~2.05 and Section 8 of this Article has attempted to domesticate such animal or poisonous or constricting reptile.

8.03 Wildlife Domestication. No person shall keep or permit to be kept or domesticate any wildlife contrary to Federal, State and local Laws, and Regulations.

8.04 Indigenous Wildlife. No person shall be permitted to own, harbor or keep in their custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading them as pets, irrespective of holding a fur-bearing mammal permit and/or game breeders permit from the Illinois Department of

Conservation. Fur-bearing farms are exempt from this requirement provided that the operation meets the requirement of ~~this section~~state and county regulations.

8.05 Wildlife Crosses. No person shall own or keep in their custody any wildlife cross such as coydogs, wolf dogs, domestic cats bred to wild cats such as Asian leopard cat, Geoffreys' cat, Bobcat or any wildlife or feline cross, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, ~~or~~ veterinary hospital.

8.06 Rabies Vaccination of Wildlife. It is unlawful to vaccinate any wildlife or wildlife cross against rabies unless the vaccine manufacturer indicates recommendation of that species. ~~Rabies vaccines have not been field tested in wildlife and have no proven efficacy.~~

Section 9

FARM ANIMALS

9.01 Farm Animals in Estate Areas. No person shall keep or cause to be kept ~~domestic animals and fowl or~~ farm animals or fowl other than household pets including animals or fowl ordinarily permitted in the house ~~or kept for company or pleasure, such as dogs, cats, canaries, rabbits, mice, and the like~~ unless such person has met the following requirements.:

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

~~B. Has met all applicable requirements of Article IX and Article X of the McHenry County Public Health Ordinance.~~

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

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

~~E. The stable or shelter shall be at least 50 feet from any adjoining residential dwelling, provided that: Use of a structure, existing at the time of the adoption or amendment of this Ordinance may be continued. If such use is discontinued or terminated for a period of twelve (12) months, any future use of the structure shall conform to the provisions of this Ordinance. Existing structures which comply with this provision at the time of the adoption of this Ordinance shall not be affected by an addition of an adjoining residence built within fifty (50) feet of a stable or shelter.~~

~~F. The following minimum lateral distances shall apply in relationship of contamination to any well.~~

Sources of Contamination	Minimum Lateral Distances	Recommended Minimum Distance for Highly Pervious Gravel Formation

Manure Piles	75 Feet	200 Feet
Farm Silo	25 Feet	100 Feet
Barnyard	50 Feet	100 Feet
Stables or Shelters	50 Feet	100 Feet

~~G. Persons owning farm animals in permitted Estate areas shall provide proper facilities for manure storage and disposal, sufficient to prevent offensive odors, fly breeding and other public health nuisances, provided that: Owners of domestic animals or farm animals who have adequate pasture so that naturally deposited manure does not cause a public health nuisance or hazard, shall not be required to meet this provision.~~

~~HD. Has Roofed shelters shall be structured to prevent run-off from draining into the shelter.~~

~~I. Enclosures shall be provided with secure latches.~~

~~J. No person shall keep domestic or farm animals in an Estate area whose husbandry or sanitation practices create a public health nuisance and/or cause cruel treatment of animals.~~

~~K. It shall be unlawful for any animal of the species of horses, pony, burro, donkey, mule, cattle, sheep, goat, swine or geese or other animals to run at large in McHenry County.~~

Section 10

CRUELTY TO ANIMALS

10.01 No person shall cruelly treat, inhumanely kill or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed any animal by beating, torturing, tormenting, mutilating, or starving or overworking either ~~his~~ their own or another person's animal.

10.02 No person shall ~~unnecessarily~~ fail to provide any animal in ~~his~~ their charge, or custody as owner or otherwise, with ~~A-~~ Sufficient quantity of good quality, wholesome, food and water. Outdoor animals must have a constant supply of fresh water available.

10.02.01 No person shall fail to provide any animal in their charge, or custody as owner or otherwise, with ~~B-~~ shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary constituents of its own body. ~~Adequate shelter~~ and that minimizes the potential for overheating.

10.02.02 No person shall fail to provide any animal in their charge, or custody as owner or otherwise, with ~~C-~~ veterinary care when needed to prevent suffering.

10.02.03 No person shall fail to provide any animal in their charge, or custody as owner or otherwise, with ~~D-~~ humane care and treatment.

10.02.3 No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any

load unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from falling, jumping or being thrown from the vehicle.

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

10.02.7 No person shall leave any animal unattended in a motor vehicle or enclosed trailer when doing so endangers the life of the animal by exposure to temperature extremes or lack of fresh air.

10.03 Abandonment. No person shall knowingly abandon any domestic animal ~~whether healthy, old, maimed, infirm, sick or disabled~~ on their own property without daily care or by abandonment off the owner's premises where it may suffer injury, hunger, or exposure, or become a public charge.

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

10.03.5 Impoundment of abused/neglected animals.

(a) In the event that the Administrator finds a domestic animal to be a victim of cruelty, neglect, or abandonment as defined in sections 10.01, 10.02 and 10.03 and the owner has failed or refused to take corrective action to come into compliance with these sections within 48 hours of written notification of the violation(s) , the Administrator shall have the right to forthwith remove or cause to have removed any such animal to a safe place for care or to euthanize such animal when necessary to prevent further suffering, all at the owner's expense.

(b) Emergency impoundment may be exercised in an immediate life-threatening situation and the subject animal(s) shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian. All costs relating to the impoundment of the animal(s) shall be bourne by the owner.

(c) A notice of impoundment shall be given by the Administrator to the violator, if known, in person or sent by certified or registered mail. The notice of impoundment shall include the following:

- (1) Listing of deficiencies noted.

2) An accurate description of the animal or animals involved.

(3) Date on which the animal or animals were impounded.

(4) Signature of the investigator.

(5) A statement that: The violator may request an appeal to the impoundment pursuant to McHenry County Health Ordinance, Article I, Section 3 within 7 business days after impoundment of the animal(s).

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

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

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

~~10.04 Handling in a Cruel Manner.~~ No person shall drive, ride or keep or cause to be driven, ridden, or kept, any animal in an unnecessarily cruel manner. A short lead which does not permit the animal reasonable freedom to move shall be deemed inhumane treatment of that animal.

10.05 Poisoning. No person shall knowingly or with malicious intent set out poison(s) or cause to be poisoned any dog, cat or domestic animal except by expressed permit from the Illinois Department of Agriculture and written approval from the McHenry County Department of Health.

~~10.06 Artificial Colored Baby Chicks or other animals or Ffowl.~~ No person shall sell, offer for sale, barter, or give away any living animal such as baby chicks, ducklings, other baby fowl or rabbits as pets or novelties when such fowl or rabbits have been dyed, colored or otherwise treated to impart an artificial color to them.

~~10.07 Chicks or Ducklings as Novelties or Pets.~~ Baby eChicks, or ducklings shall not be sold, offered for sale, bartered or given away as pets or novelties.

~~10.08 Fighting or Baiting Animals.~~ No person may own, operate, manage, maintain, charge admission to or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

~~10.09 Compliance with State Laws.~~ No person shall be permitted to keep animals in violation of the "Illinois Humane Care for Animals Act: or the Illinois Animal Welfare Act."

~~10.10 Cruelty to Horses.~~ No person shall sell, offer to sell, lead, ride, transport or drive on any public way any horse which

~~because of debility, disease, lameness, or any other cause, could not be worked in the State of Illinois without violating the Illinois "Humane Care for Animals Act". Such a horse may be conveyed to a proper place for medical or surgical treatment or for humane keeping or euthanasia.~~

10.11 No person shall give or use any live animal as a prize or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.

10.12 No person shall hold a greased pig contest.

Section 11

PENALTIES

11.01 Any person violating, any provision of this Ordinance or aiding in or abetting ~~the violation of any provision of this Ordinance~~ or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance or resisting, obstructing or impeding the ~~Health Authority~~ Administrator or their designated agents in enforcing this Ordinance, shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for a first and second offense, and for a third and subsequent

offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each occurrence of failure to comply constitutes a separate offense.

As an alternative remedy to any other remedy which may be available to the Department in this Ordinance or in any State Statute, the Department may issue a ticket in those instances where any person violates or aids in or abets the violations or any provision of this Ordinance. The said ticket gives the person who violates this Ordinance the option of appearing in court on a specified date for trial or paying the fine of ~~twenty-five~~ fifty dollars (\$25-~~00~~50.00) per offense. Second and subsequent offenses, fines are doubled.

Section 12

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

Section 13

Responsibilities

The Administrator for Animal Control or ~~his~~ their duly authorized representatives or anyone enforcing the provisions of this Ordinance shall not be held unreasonably responsible for any

AGEND #15.1.A

accident or disease ~~that~~ which may ~~happen~~ affect ~~to~~ any dog, cat or other animal which may occur ~~while in pursuit of any dog or other animal~~ as a result of enforcing the provisions of this ordinance.