

- **Chapter 14 - ANIMALS AND FOWL**

- **ARTICLE I. - IN GENERAL**

- **Secs. 14-1—14-25. - Reserved.**

- **ARTICLE II. - DOGS<sup>1</sup>**

- **Sec. 14-26. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Animal control warden* means any person appointed by the administrator to perform the duties set forth in this article.

*Confined* means restriction of an animal at all times by the owner or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

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

*Dog* shall include all animals, regardless of sex, of the canine species.

*Has been bitten* means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced and further includes contact of saliva with any break or abrasion of the skin.

*Impounded* means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

*Owner* means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

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

- **Sec. 14-27. - Public pound; establishment and maintenance.**

The county shall establish and maintain a public dog pound or shall contract for the use of a duly licensed facility as a place to securely impound dogs taken up or captured by persons charged with the duty of enforcing provisions of this article. Such dog pounds shall comply, in all respects, with the rules and regulations promulgated by the department of public health of the state and shall, at all times, provide humane treatment for animals confined therein.

(Ord. No. 09-09, 3-18-2009)

- **Sec. 14-28. - Dogs running at large prohibited; confinement.**

No person who owns, keeps or harbors a dog shall cause or permit such dog to run at large at any time during the year or on any public way or public place or upon the private premises of any person other than that of the owner or keeper of such dog. All dogs shall be confined by means of a secure leash or chain, or confined within a fenced area in such a manner as to prevent the dog from running at large. Any dog found running at large in violation hereof shall be taken up and impounded in the manner provided in this article. The dog's owner shall pay a \$25.00 public safety fine, \$20.00 of which shall be deposited into the pet population control fund and \$5.00 of which shall be retained by the county. A dog found running at large contrary to the provisions of this article a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered. Failure to comply shall result in impoundment.

(Ord. No. 09-09, 3-18-2009)

- **Sec. 14-29. - Barking dogs declared nuisance; exceptions.**

It shall be unlawful for any person to own, keep, have in his possession or harbor any dog which by frequent or habitual barking, howling, yelping or by other loud noise shall cause annoyance of any family or person, or shall disturb the peace or quiet of any neighborhood or place within the county. Such annoyance of any family or person or the disturbance of the peace or quiet of any neighborhood or place within the county by any dog, is hereby declared to be a public nuisance, and it shall be unlawful for any person to suffer or permit such nuisance to exist.

(Ord. No. 09-09, 3-18-2009)

- **Sec. 14-30. - Inoculation against rabies required; registration and inoculation of dogs; fees; tags.**

(a)

Every owner of a dog four months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the board and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the county animal control serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the administrator with a certificate of immunization and microchip number. The county board shall cause a rabies inoculation tag to be issued at a fee established by the county board for each dog inoculated against rabies. Rabies vaccine for use on animals shall be sold or distributed only to licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agricultural.

(b)

Within 30 days from the date of inoculation for rabies, the owner shall register such dog by presenting to the administrator or his authorized agents, the certificate of inoculation, together with the appropriate registration fee. The registration fee for dogs spayed or neutered shall be \$25.00 for one year and \$75.00 for three years. The registration fee for dogs not spayed or neutered shall be \$55.00 for one year and \$165.00 for a three-year registration. The registration shall correspond to the duration of the rabies vaccination. The owner shall be supplied with a rabies inoculation tag for each dog registered, and such tag shall be worn by each dog that is required to be registered whenever said dog is off the property of its owners and not within a motor vehicle. The tag shall be in a form and color approved by the state department of agriculture. The method of distributing said tag and collecting registration fees shall be determined by the county board. Ten dollars from the sale of all intact dog registration tags shall be placed in the county animal population control fund. The money shall be used to (1) spay, neuter, or sterilize adopted dogs or cats or (2) spay or neuter dogs or cats owned by low-income county residents who are eligible for the food stamp program. Five dollars shall be deposited in the animal services building and maintenance fund.

(c)

Failure to register a dog within 30 days of inoculation shall result in the registration fee being doubled.

(d)

Any licensed veterinarian collecting the registration fee as described in this section may retain \$1.00 from each individual fee charged for costs incurred to charge and collect fees.

(Ord. No. 09-09, 3-18-2009; Ord. No. 13-26, 10-16-2013)

• **Sec. 14-31. - Penalties and court appearances.**

(a)

Unless otherwise provided herein, any person violating or aiding or abetting the violation of any provision of this article shall be fined not less than \$75.00 nor more than \$500.00 for any one offense.

(b)

Each day a violation is committed, continued or permitted to occur shall constitute a separate offense.

(c)

As an alternative to any other manner of charging a violation of this article, the animal control department or any law enforcement officer may issue a citation in those instances where an owner violates this article by permitting his animal to run at large; by failing to have his animal inoculated against rabies, by failing to register his animal, or by failing to have his animal wear evidence of current rabies inoculation. The citation would allow the owner to satisfy the violation without a court appearance by submitting in person to the Animal Control Office of Boone County the payment of the minimum fine of \$75.00 in cash, verified by written receipt, for each separate violation if said fine is paid within 14 days of the issuance of said citation. If a person chooses to pay for each citation at the animal control office after 14 days have elapsed, but before 29 days have elapsed since the issuance of the citation, the fine would be \$100.00 for each separate violation. Where the offense charged is for an animal not wearing evidence of current rabies inoculation, the owner of the animal must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies.

(Ord. No. 09-09, 3-18-2009)

• **Sec. 14-32. - Additional fees.**

(a)

Owners shall pay county room and board fees when retrieving their dog from the county animal services facility. Such fee shall be \$40.00 for the first day and \$20.00 for each day thereafter. Such fee shall be assessed at the beginning of each day (12:01 a.m.).

(b)

Prior to the return to its owner of an impounded dog, animal control will have a microchip implanted in the dog if the dog is not already microchipped. The fee for such service shall be \$15.00 and will be paid by the pet owner at the time of redemption. Any pet owner may come into animal control and purchase a microchip for the same fee.

(c)

If a dog receives a rabies vaccination from Boone County Animal Control, the owner of the dog shall pay a \$50.00 fee for this service. The Boone County Animal Control Veterinarian shall be paid \$35.00 and the remaining \$15.00 shall be deposited into the animal control fund.

(d)

Prior to the return to its owner of an impounded dog, the owner will pay a \$25.00 public safety fine to be deposited into the county animal population control fund. The fine shall be waived if it is the dog's first impoundment and the owner has the animal spayed or neutered within 14 days.

(e)

If a dog is found to be a vicious dog, the owner shall pay a \$100.00 public safety fine to be deposited into the county animal population control fund. If a dog is found to be a dangerous dog, the owner shall pay a \$50.00 public safety fine to be deposited into the county animal population control fund.

(f)

Pet owners are permitted to relinquish their domestic dog or cat to animal control for a fee of \$50.00 per animal. There will be an additional \$20.00 trip charge if staff has to pick up the animal(s) at the owner's residence.

(Ord. No. 09-09, 3-18-2009; Ord. No. 12-04, 2-15-2012)

- **Sec. 14-33. - Jurisdiction.**

The provisions of this article shall apply within all areas of the county except in cities, villages, and incorporated towns that provide and enforce rules and regulations which are at least as stringent as this article.

(Ord. No. 09-09, 3-18-2009)

- **Sec. 14-34. - Report of bite by dog.**

(a)

When the administrator or, if the administrator is not a veterinarian, the deputy administrator, receives information that any person has been bitten by a dog or other animal, the administrator or, if the administrator is not a veterinarian, the deputy administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of ten days. The department may permit such confinement to be reduced to a period of less than ten days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the department. The administrator or, if the administrator is not a veterinarian, the deputy 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 or her on the final disposition of the animal on appropriate forms approved by the department. When evidence is presented that the animal was

inoculated against rabies within the time prescribed by law, it shall be confined in a house; or in a manner, which will prohibit it from biting any person for a period of ten days, if a licensed veterinarian adjudges such confinement satisfactory. The department may permit such confinement to be reduced to a period of less than ten days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

(b)

Any person having knowledge that any person has been bitten by an animal shall notify the administrator, or if the administrator is not a veterinarian, the deputy administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the administrator or, if the administrator is not a veterinarian, the deputy administrator or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the administrator, or if the administrator is not a veterinarian, the deputy administrator or his authorized representative. If such instructions cannot be delivered to the person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this section shall be born by the owner. The owner of a biting animal must also remit to animal control, for deposit into the pet population control fund, a \$25.00 public safety fine within 30 days after notice.

(c)

Any owner whose dog has bitten someone will receive a minimum \$75.00 citation if the dog was running at large when the incident occurred, or if the dog has not been immunized and/or registered as required by county ordinance.

(d)

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 of the police dog 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.

(Ord. No. 09-09, 3-18-2009)

- **Sec. 14-35. - Number of dogs restricted.**

(a)

It shall be unlawful to own, keep or harbor at any time more than ten dogs over the age of four months per residential or dwelling unit in unincorporated Boone County. No more than ten dogs may be licensed to any single property, owner, location, or family residing at a single address unless a special use permit has been issued by Boone County for the operation of a breeding and/or boarding kennel. A kennel is defined by the Boone County Zoning Ordinance as any premises or portion thereof, on which four or more dogs, cats, or other domestic animals are kept for the purpose of sale, boarding, training, or breeding, for which any fee is paid.

(b)

Grandfather clause: Dogs owned or harbored and exceeding the ownership limits of this section at the time of passage of this law must be registered with Boone County Animal Control within 60 days of passage to be exempted from ownership limits. This exemption expired once the existing dog(s) parishes or has been relinquished to a new owner.

(c)

Any person violating or aiding or abetting the violation of this article shall be fined no less than \$75.00 for each dog over the limited number of dogs.

(Ord. No. 09-09, 3-18-2009; Ord. No. 12-04, 2-15-2012)

- **Sec. 14-36. - Owner's duties.**

No person or owner shall fail to provide for any animal in their charge, or custody as owner or otherwise, with the following:

- (1) Sufficient quantity of good quality, wholesome food and water;
- (2) Adequate shelter and protection from the weather;
- (3) Veterinary care when needed to prevent suffering; and
- (4) Humane care and treatment.

(Ord. No. 09-45, 9-16-2009)

• **Sec. 14-37. - Non-redemption/adoption/spaying or neutering.**

- (a) When not redeemed by the owner, agent, or caretaker an animal which has been impounded in accordance with the provisions of this article shall be offered for adoption or made available to a licensed humane society or rescue group. If no placement is available it shall be euthanized in accordance with the Illinois Euthanasia in Shelters Act.
- (b) An unredeemed dog or cat shall not be released for adoption unless the animal has been microchipped, vaccinated, and spayed or neutered. A person wishing to adopt an animal prior to the surgical procedure shall have executed a written agreement promising to have such service performed within 30 days of adoption. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the administrator.
- (c) The adoption fee for dogs (per animal, includes: rabies vaccination, microchip, one year registration, and spay/neuter) is \$150.00. The adoption fee for cats (per animal, includes: Rabies vaccination, microchip, and spay/neuter) is \$85.00. There is no charge for transferring an animal to a licensed shelter or rescue organization.

(Ord. No. 10-41, 10-20-2010)

• **Sec. 14-38. - Livestock running at large.**

No person or owner of livestock shall allow livestock to run at large. All owners of livestock shall provide the necessary restraints to prevent such livestock from running at large. A notice of violation of this ordinance shall be given to the person or owner of the livestock running at large if known and a maximum of 24 hours may be granted in which to make the necessary corrections if the violation is an accidental occurrence and an investigation reveals no identifiable individual at fault.

(Ord. No. 12-31, 10-17-2012)