

Ordinance No.  
Vermilion County Animal Control Ordinance

Section 4-1. Definitions

As used in this article, the following terms shall mean as indicated below:

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

Administrator: "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Ordinance or in the event a veterinarian cannot be found and appointed pursuant to this Ordinance, a non-veterinarian may serve as Administrator under this Ordinance. In the event the Administrator is not a veterinarian, the Administrator shall defer to the Deputy Administrator regarding all medical decisions. 510 ILCS 512.01.

Animal: "Animal" means every living creature, other than a human, which may be affected by rabies. 510 ILCS 512.02.

Animal Control Director: The Animal Control Director shall be responsible for the day to day management of the Animal Control Department including but not limited to the hiring and management of employees, budget preparation and execution, but shall defer to the County Veterinarian on all medical matters pertaining to the care of animals.

Animal control warden: "Animal Control Warden" means any person appointed by the Administrator to perform the duties set forth in this Ordinance. 510 ILCS 5/2.03.

At large: Any dog shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person.

Business day: "Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims. 510 ILCS 5/2.03a.

Cat: "Cat" means all members of the family Felidae. 510 ILCS 5/2.04a.

Companion animal: An animal that is commonly considered to be, or is considered by the owner to be a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines. 510 ILCS 70/2.01a.

Companion animal hoarder: "Companion animal hoarder" means a person who (i) possesses a large number of companion animals; (ii) fails to or is unable to provide what he or she is required to provide under Section 44 of this Ordinance; (iii) keeps the companion animals in a severely overcrowded environment; and (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owners' health and well being. 510 ILCS 70/2.10

Competent person: A human being over the age of eighteen years that is capable of controlling and governing the dog in question, and to whose command the dog is obedient.

Confined: "Confined" means restrictions 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. 510 ILCS 5/2.05.

Dangerous Dog: (i) Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner, or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or

(li) A dog that without justification bites a person and does not cause serious physical injury. Id. 510 ILCS 5/2.05a.

Department: "Department" means The Department of Agriculture of the State of Illinois. 510 ILCS 5/2.06.

Deputy Administrator: "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator. 510 ILCS 5/2.07.

Director: "Director" means The Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative. 510 ILCS 5/2.08.

Dog: All members of the family Canidae. 510 ILCS 5/2.11.

Enclosure: "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. 510 ILCS 5/2.11a.

Feral cat: "Feral cat" means a cat that (i) is born in the wild or is offspring of an owned or feral cat and is not socialized, or (li) is a formerly owned cat that has been abandoned and is no longer socialized or a cat not socialized living on a farm. 510 ILCS 5/2.11b.

Has been bitten: Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced; the phrase further includes contact of saliva with any break or abrasion of the skin. 510 ILCS 5/2.12.

Humanely euthanized: Shall mean the painless administration of a lethal dose of an agent or method of euthanasia that causes the painless death of an animal. 510 ILCS 70/2.09.

Impounded: "Impounded" means taken into custody of the public animal control facility in the city, town, or county where the animal is found. 510 ILCS 5/2.12a.

Inoculated against rabies: The injection of an antirabies vaccine approved by the department. 510 ILCS 512.13.

Leash: A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. 510 ILCS 5/2.14.

Licensed veterinarian: A veterinarian licensed by the State in which he engages in the practice of veterinary medicine. 510 ILCS 5/2.15.

Owner: Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. 510 ILCS 5/2.16

Person: "Person" means any individual, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. 510 ILCS 5/2.17.

Peace Officer: "Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961. 510 ILCS 5/2.17a.

Physical injury: "Physical injury" means the impairment of physical condition. 510ILCS 5/2.18a.

Police animal: "Police animal" means an animal owned or used by law enforcement, Department or agency in the course of the department or agency's work. 510 ILCS 5/2.17b.

Pound or animal control facility: "Pound or animal control facility" may be used interchangeably and mean any facility approved by the Animal Control Director or Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. 510 ILCS 5/2.18.

Puppy: all members of the canine family, whether male or female, under four months of age.

Rabies certificate: A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under the act. 510 ILCS 5/2.19.

Restraint: A dog, off premises of its real property, is under restraint within the meaning of this chapter:

1. If it is controlled by a line or leash not more than six feet in length when said line or leash is held by a competent person;
2. When at heel of a competent person;
3. When within a vehicle being driven, parked or stopped; or
4. When utilized in the sport of hunting.

Rural: The unincorporated area of the county which has not been subdivided for residential purposes.

Service animal: "Service animal" means an animal trained in obedience and task skills to meet the needs of a disabled person or a certified emotional support dog assisting in treatment of post-traumatic stress disorders. 510 ILCS 70/2.01c

Serious physical injury: "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of health, impairment of the function of any bodily organ, or plastic surgery. 510 ILCS 5/2.19a.

Tag: A serially numbered medallion approved by the department to be issued, as 'evidence of inoculation against rabies.

Vicious dog: "Vicious dog" means a dog that, without justification attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions. 510 ILCS 5/2.19b.

## Article I ~ Animal Control

### Section 2. Administrator

The County Board shall appoint a licensed veterinarian as administrator or in the event that a veterinarian cannot be found and appointed pursuant to this ordinance, a non-veterinarian may serve as Administrator under this ordinance. In the event the Administrator is not a veterinarian, the Administrator shall defer to the Deputy Administrator regarding all medical decisions. The Administrator shall appoint as many Deputy Administrators and animal control wardens to aid him or her as may be authorized and appointed by the board. 510 ILCS 5/2.01.

### Section 3. Enforcement

It is the duty of the Administrator and Animal Control Director, subject to the general supervision and regulations of the department, to enforce the provisions of this article and to inoculate dogs or have the work done by his deputies. The Animal Control Director

may perform any act referred to in this ordinance as the duty of the Administrator except veterinary duties and to that extent the terms are interchangeable within this ordinance. Animal control wardens are, in accordance with the Ordinance and for the purpose of enforcing it, clothed with the power of police officers in the county and within such county are peace officers in the enforcement of the provisions of this Ordinance, including issuance and service of citations and orders, However, such peace officers are prohibited from carrying weapons except that they may use tranquilizer guns and other nonlethal weapons and equipment. The Sheriff and his or her deputies and municipal police officers shall cooperate with the Administrator and Animal Control Director in carrying out the provisions of the Ordinance. The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and petition the Court to apply for security posting for any violation of that Act. 510 ILCS 5/5.

#### Section 4. Dogs running at large

a) Every owner of a dog shall prevent said dog from running at large contrary to the provisions of this ordinance in any unincorporated areas of the County which has been subdivided for residential purposes. Any dog found to be running at large in such an area shall be deemed a nuisance and impounded.

b) This provision does not apply to:

1. Dogs being used in hunting or field trials.
2. Dogs participating in dog shows while on public lands set aside for those purposes.
3. Dogs on private property with the actual, implied, customary, or constructive consent of the owner of such private property.
4. Dogs owned by any police force or other law enforcement agency while those dogs are being used to conduct official business or being used for official purposes.

c) Any person found to be in violation of this Section shall be fined \$75.00 for the first offense, \$125 for the second offense and \$200 for each subsequent offense. If an owner owns more than one animal found to be in violation of this Section, it shall constitute as a separate offense. On the second offense the owner shall be required to pay the fine and, if the animal is not already spayed or neutered, shall pay to Animal Control the cost of the spay or neuter surgery. Said animal shall be released after completion of the spay or neuter surgery not to exceed 7 days past when all fines have been paid. If the owner fails to comply with the requirements of this section, said animal will be impounded. All costs incurred as a result of this violation shall be the owner's responsibility. 510 ILCS 5/5.

#### Section 5. Female dogs and cats in heat

Every owner of a female cat or dog shall cause such animal to be securely confined in an area that is inaccessible to other cats or dogs while in heat. Violation of this Section two times in a twelve month period shall result in a fine and a requirement that the dog or cat be spayed. 510 ILCS 5/5.

Section 6. Impoundment and redemption

When dogs or cats are apprehended and impounded by the Administrator or Animal Control Warden, they must be scanned for the presence of a microchip. The Administrator or Animal Control Warden shall make every reasonable attempt to contact the owner as soon as possible. The Administrator or Animal Control Warden shall give notice of not less than 7 business days to the owner prior to the disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal. In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so on the following conditions:

1. Present proof of current rabies inoculation, and registration if applicable, or
2. Pay for the rabies inoculation of the dog or cat, and registration, if applicable, and
3. Pay the animal services facility for the board of the animal for the period it was impounded,
4. Pay into the Animal Control Fund an additional impoundment fee of twenty dollars for each offense; and
5. Pay for microchipping and registration if not already done. 510 ILCS 5/10.

Section 7. Right of entry; inspections; refusal to deliver dog or other animal

For the purpose of making inspections hereunder, the Administrator, or his or her' authorized representative, or any law enforcement officer may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after request therefore, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance. 510 ILCS 5/17.

Section 8. Abandonment of animals

The owner of any animal subject to rabies is prohibited from abandoning such animal in the county. 510 ILCS 5/5.

Section 9. Diseased or injured animals.

Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by administrator or his or her designated agent, may be subjected to disposal as provided in Section 6 of this Ordinance at the earliest possible time by the animal control facility or pound employee.

Section 10. Enforcement officers not responsible for accident or disease.

The administrator, manager, deputy administrators, animal control wardens or anyone enforcing the provisions of this article shall not be held responsible for any accident or disease that may happen to any animal.

Section 11. Annual report

The County Board shall make an annual report to the department showing the number of dogs inoculated, fees and penalties collected and the number of cases of rabies occurring in the county.

Section 12. Violations and penalties

Any person violating or aiding the violation of this Article, except Section 4, or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by the Ordinance, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for the purposes of destroying or concealing its identity, shall pay a penalty of \$100.00 dollars for each offense. 510 ILCS 5/26; 55 ILCS 5/5/1113.

Section 13. Collection of monies.

The manager of the animal control facility or pound shall have and perform the following duties enumerated in this section, in cases involving violations of the sections of this article:

1. Accept payment of designated fines, penalties and fees and issue receipts for the said payments.
2. Maintain records of all violations of the provisions of this chapter of which each person has been guilty during the preceding twenty four months whether such guilt was established in court or by payment of a fine into the Animal Control Fund.

Whenever any person charged with an offense which is payable at the animal control facility or pound shall fail to appear and pay his fine in the time prescribed, the administrator or manager may cause a complaint to be filed against such person for such violation.

Section 14. Fines and fees paid into Animal Control Fund

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

Section 15. Cats running at large

- a) Owners of cats shall prohibit such animal from running at large contrary to the provisions of this ordinance. 510 ILCS 5/5.
- b) Any owner of a cat found in violation of this Section shall be fined \$50.00 for the first offense, and each subsequent offense. On the second offense, the owner shall pay the fine, and at the time of claiming the cat shall pay the cost of the spay or neuter surgery and microchipping to Animal Control. Said animal shall be released after completion of the spay or neuter surgery not to exceed 7 days past when all fines have been paid. If the owner fails to comply with the requirements of this section, said cat will be impounded.

All costs incurred as a result of this violation shall be the owner's responsibility. 510 ILCS 5/10; 510 ILCS 5/5.

Article 2 ~ Rabies Control

Section 21. Inoculation of dogs and cats

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

Veterinarians who inoculate a dog or cat shall procure from the County Animal Control serially numbered tags, one to be issued with each inoculation certificate. One dog or cat 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 Board shall cause the veterinarian issuing the tag to be paid 50 cents for each tag issued, to be paid semi-annually. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog or cat inoculated against rabies.

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

1. One copy shall be given to the owner at the time of the inoculation;
2. One copy shall be filed with the office of the administrator, or such place as the County Board shall designate within 20 days after the date of the inoculation;
3. One copy shall be retained by the veterinarian administering the inoculation for a period as set by the department or the County Board.

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

c) This Section shall not apply to cats defined as feral in definition 510 ILCS 5/2.11b.

d) Every owner shall comply with the provisions of Section 21 of this Article. Any person who violates these sections shall pay a penalty of \$100.00 for each violation. The owner of the dog or cat shall have 3 business days from the notice of violation to vaccinate and register the dog or cat. If the owner has complied within 3 business days the penalty shall be \$35.00. If an animal is not inoculated and registered after its owner has been found to be in violation of this section, three times within a twelve month period, said animal shall be impounded by the animal control warden and may be redeemed or disposed of in accordance with the provisions of this Ordinance. 510 ILCS 5/8.

Section 22. Inoculation tags

All dogs and cats residing within the County shall wear at all times the inoculation tag procured from the County. The tag shall be securely attached to the collar or harness of that dog or cat for which the tag was obtained. Any person in violation of this Section shall be fined \$50.00. A warning shall be issued on the first offense if the following criteria are met: the dog or cat is spayed or neutered, the dog or cat is microchipped, and the dog or cat is currently vaccinated and registered. Any owner of a newly obtained cat or dog shall have 20 days to transfer the registration to their name. 510 ILCS 5/5; 8 Il.Admin.Code CODE § 30.10.

Section 23. Animals exhibiting signs of rabies 'Notice to Administrator' Confinement of dog- Animals exposed - Confinement

The owner of any animal which exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator, or if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any animal that has had direct contact with the animal and that has not been inoculated against rabies shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator. 510 ILCS 5/12.

Section 24. Dog or other animal bites: observation

a) Except as otherwise provided in subsection (c) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an 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 10 days. The Department may permit such confinement to be reduced to period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy 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 or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is present 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 10 days, if the Administrator, or if the Administrator is not a veterinarian, the Deputy Administrator, adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 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 instruction made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by the U.S. Postal Service. Any expense incurred in the handling of the animal under this Section and Section 23 shall be borne by the owner.

c) A police dog that has bitten any person may continue to perform its official duties but shall remain under the strict supervision of its police handler for a period of observation, during which period it shall be securely confined to a kennel when not performing work for a peace officer or law enforcement agency. 510 ILCS 5/13.

#### Section 25. Reimbursement to animal victims

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

#### Section 26. [Reserved]

#### Section 27. Registration fees

a) The registration fee shall be set by the County Board.

b) The fee charged to owners of dogs and cats registered within 20 days of the vaccination shall be \$11.00 for a one/year registration, for a spayed or neutered dog or cat; \$20.00 for a one/year registration, for an unspayed or unneutered dog or cat; \$18.00 for a three/year registration, for a spayed or neutered dog or cat; \$30.00 for a three/year registration, for an unspayed or unneutered dog or cat. The registration fee for dogs and cats under the age of six months shall be \$10.00 whether altered or unaltered.

c) The fee charged to owners of dogs and cats registered after twenty days and before 30 days from the date of the vaccination shall be \$16.00 for a one/year registration, for a spayed or neutered dog or cat; \$25.00 for a one/year registration for an unspayed or unneutered dog or cat; \$23.00 for a three/year registration for a spayed or neutered dog or cat; \$35.00 for a three/year registration for an unspayed or unneutered dog or cat.

d) Owners not registering their dog or cat within 30 days shall be issued a citation via mail for violation of Section 21 of this ordinance.

f) The annual registration fee for service animals is waived. 510 ILCS 5/8; 510 ILCS 5/5.

#### Section 28. Dangerous animals

Any dog running at large within the county whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the county, may be destroyed by an animal control officer, police officer, sheriff, or deputy sheriff.

#### Section 29. Impoundment and Fees

Any owner of an animal impounded in the Vermilion County Department of Animal Regulations for violation of this Ordinance shall be subject to a \$20.00 per day or any part of a day boarding fee. All boarding costs incurred must be paid in full upon the redemption of said animal.

Any owner of an animal impounded into the Vermilion County Department of Animal Regulations for the purposes of bite quarantine must pay a quarantine observation fee of \$194.00 and any additional medical costs incurred during the rabies quarantine period.

### Article 3 - Vicious and Dangerous Dogs

#### Section 36. Deeming dogs vicious

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 or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's office and the owner. 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 a vicious dog. Testimony of a certified applied behaviorist or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case. A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;
2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
3. The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific to breed. If the burden of proof has been met, the court shall deem the dog to be a vicious dog. 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 the County Animal Control where he or she has relocated, and the Administrator of the county Animal Control where he or she formerly resided.

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

4. If it is necessary for the owner or keeper to obtain veterinary care for the dog,
5. In the case of an emergency or natural disaster where the dog's life is threatened, or
6. To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6-3-feet in length and is under the direct control and supervision of the owner or keeper of the dog or is muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or law enforcement authority having jurisdiction in such area.

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

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

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 Ordinance. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry dog or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall

promptly notify such departments of any address changes reported to him. 510 ILCS 5/15.

Section 37. Dangerous dog determination

- a) After a thorough investigation including: sending, within 3 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 or their designee 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 designee, or the Director, to deem a dog "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 appeal process.
- b) A dog shall not be declared dangerous if the Administrator, or his designee, or the Director determines the conduct of the dog was justified because:
1. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;
  2. The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
  3. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring;
  4. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.
- c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- d) If deemed dangerous, the Administrator, or his or her designee, 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. The dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund;
  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.

- e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- f) Any dog deemed dangerous shall not be given away, sold, or traded without permission of the Administrator.
- g) 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 dog shall be currently inoculated against rabies in accordance with Section 21 of this Ordinance 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 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 of any address changes reported to him or her.
- h) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act and assess a \$250 fine. 510 ILCS 5/15.1.

Section 38. Violations; penalties

Any person found guilty of a violation of Article 3 of this Ordinance shall be ordered to pay a fine of \$50.00 per offense and each subsequent offense. Every day of non-compliance shall be a separate offense. 55 ILCS 515/1071.1; 55 ILCS 5/5-1113.

Section 39. Dangerous dogs; leash

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under the control by leash or other recognized control methods. 510 ILCS 5/15.2

Section 40. Dangerous dog; appeal.

- a) The owner of a dog found to be a dangerous dog pursuant to this Ordinance by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification, for *de novo* hearing on the determination. The proceedings 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 Ordinance by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal

administrative proceedings, 8Ill. Admin. 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 govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the Court, or the Director.

d) At any time after the final order has been entered, the owner may petition the Circuit Court to reverse the designation of dangerous dog. 510 ILCS 5/15.3.

#### ARTICLE IV. MISCELLANEOUS

##### Section 41

This Ordinance shall go into full force and effect upon its passage and approval.

##### Section 42

In the event that any provision of this Ordinance or any part or application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance or any part or application thereof to any person or circumstance of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the County Board that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

##### Section 43

All previous Resolutions, Ordinances, or parts thereof in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

Approved by the Health & Education Committee  
Thursday February 16, 2017

Kevin Green Y N A  
Committee Chairman

Chuck Nesbitt Y N A

Phearn Butler Y N A

Marla Mackiewicz Y N A

Cari West-Monson Y N A

Chad Turner Y N A

Chuck Mockbee Y N A

PRESENTED, APPROVED AND ORDAINED by the County Board of Vermilion County, Illinois at  
the June 13, 2017 A.D. Session.

DATED this 13<sup>th</sup> day of June 2017 A.D.

AYE 23 NAY \_\_\_\_\_ ABSENT 4

Michael J. Marren  
Chairman, Vermilion County Board

ATTEST:

Cathy Johnson  
Clerk of the County Board