

## Chapter 4

### ANIMALS AND FOWL

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#### ARTICLE I. IN GENERAL

##### Sec. 4-1 Definitions.

As used herein, the following terms shall have the meanings respectively ascribed to them, unless the context requires otherwise:

*Animal* means any animal, other than man, which may be affected by rabies.

*Animal control warden* means any person appointed to perform duties as assigned by the director to effectuate this chapter.

*Animal shelter* means any facility approved by the director for the purpose of enforcing this chapter and used as a shelter for seized stray, homeless, abandoned or unwanted dogs or other animals.

*Board* means the county board.

*Cat* means all members of the family feline.

**\*Editor's note**—Ord. No. 819, adopted Aug. 10, 1982, did not expressly amend this code; therefore, codification of §§ 2-17, 19 and 21, as a new Ch. 4 has been at the editor's discretion. Section 1, authority for enactment, § 18, severability and § 20 general repealer, were omitted to preserve code format. In order to facilitate use, the editor has arranged the ordinance into articles. Former Ch. 4 consisted of §§ 4-1—4-4, as derived from Res. No. 24, adopted Jan. 4, 1975; Res. No. 339, §§ 2—5, also adopted Jan. 10, 1978; Res. No. 645, adopted Sept. 9, 1980.

**Cross references**—Health committee of county board to have oversight of animal control administrator, § 2-55(7); disposal of dead animals § 17-9.

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

*Department* means the county department of animal regulations.\*

*Director* means the director of the vermilion county department of animal regulation.

*Dog* means all members of the family canidae.

*Estrus period* means a regularly recurrent state of sexual excitability during which the female of most mammals will accept the male and is capable of conceiving.

*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.

*Inoculation against rabies* means the injection of an antirabies vaccine approved by the state department of agriculture.

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

\* *Licensed veterinarian* means a veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

*Owner* means any person having a right of property in a animal or person who keeps or harbors a animal, or who has it in his care, or acts as its custodian, or who knowingly permits a animal to remain on or about any premises occupied by him.

*Peace officer* means, for the provisions of this chapter, any person who by virtue of their office or public employment is vested by law with the authority to enforce this chapter including issuance and service of citations and orders, as such peace officer,

\*Editor's note- Resolution No. 88-150, adopted nov. 9, 1988, changed the name of this department, previously know as animal and rabies control department.

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has power to execute and serve warrants and processes issued by the court. However, such peace officers are specifically prohibited from carrying handguns, other weapons may be carried when the officer has met all of the following:

- (1) Has successfully passed probation, as outlined in the county personnel code;
- (2) Has successfully passed mandatory firearms training and has a certificate from the Illinois local Governmental Law Enforcement Officer's Training Board;
- (3) Has successfully graduated from the University of Illinois Police Training Institute/Animal Control Officer Course.

Said officer will be required to have a minimum of sixteen (16) hours continuing education each year.

*Person* means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the state, municipal corporation or political subdivision of the state, or any other business unit.

*Registration certificate* means a printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this chapter.

(Ord. No 819 § 2, 8-10-82; Res. No 150, 11-9-88; Ord. No. 97-0704, 7-8-97)

**cross references-** Definitions applicable to Art. IV, § 4-61; definitions applicable to Art V, § 4-91.

### **Sec. 4-2. Chapter not a restriction upon municipal powers.**

Nothing in this chapter shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this chapter be construed to, in any manner, limit the power of any municipality or other political subdivision including a requirement of inoculation against rabies.

(Ord. No. 819, § 17, 8-10-82)

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### **Sec 4-3. Enforcement-Generally.**

The director and animal wardens have full power to enforce all sections of this chapter.

(Ord. No. 819, §21, 8-10-82)

### **Sec. 4-4. Same-Right of entry.**

For the purpose of carrying out the provisions of this chapter and making inspections hereunder, the director or his authorized representative or any officer of the law may enter upon private premises to apprehend a straying or other animal thought to be infected with rabies. If, after request thereof, 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 chapter.

(Ord. No. 819, §12, 8-10-82)

### **Sec. 4-5. Penalties.**

Unless provided otherwise, any person violating or aiding in or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or resisting, obstructing or impeding the director or any authorized officer in enforcing this chapter, or refusing to produce for inoculation any dog or other animal in his/her possession, or removing a tag from a dog or other animal for the purposes of destroying or concealing its identity, is guilty and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00). Anyone found in violation of § 4-21, dangerous or vicious dogs, shall be fined no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day a person fails to comply constitutes a separate offense. (Ord. No 819, § 19, 8-10-82; Ord No. 0704, 7-8-97)

### **Sec. 4-6. Remittance of fees.**

All fees and fines 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 him for the purpose of paying the cost of the animal control program. One-third of all fees collected shall be retained for the purpose of paying claims for loss of livestock or poultry, as set forth in this section 4-27.

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The remaining two-thirds shall be used for paying the cost of stray dog control, and rabies, and other cost incurred in carrying out the provisions of this chapter except as set forth in section 4-27.

(Ord. No. 819 § 3, 8-10-82)

### Sec. 4-7. Reserved.

**Editor's note**—Ord. No. 03-0402, adopted April 8, 2003, Struck § 4-7 from the Code of Ordinances. Said section pertained fees paid to the department of animal regulations for euthanasia and relinquishing ownership of cats and dogs, and derived from Res. No. 88-166, adopted Nov. 9, 1988; and Res. No. 93-714, adopted July 13, 1993.

### Sec. 4-8—4-20. Reserved.

## ARTICLE II. RUNNING AT LARGE; IMPOUNDMENT\*

### Sec. 4-21. Dangerous or vicious dogs.

(a) *Definitions.* For the purpose of this section:

*Dangerous dog* means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or member of its owners 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.

*Enclosure* means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or other animal in conjunction with other measures which may be taken by the owner or keeper, such as a run line or tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure.

\***State law references**— power of county board to prohibit dogs at large in residential subdivision, 55 ILCS 5/5-1071; impoundment of dogs violating Animal Control Act, 510 ILCS 5/9 et seq.

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*Impounded* means taken into the custody of the Vermilion County Department of Animal Regulation.

*Run line* means a system of tying a dog or other animal in place with either rope or chain having a tensile strength of at least three hundred (300) pounds.

*Vicious dog* means:

(1) Any individual dog or other animal that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog or other 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.

(3) Any individual dog or other animal which attacks a human being or domestic animal without provocation.

(4) Any individual dog which has been found to be a "dangerous dog" upon three (3) separate occasions.

(5) No dog shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties, being used in the performance of such duties.

(b) *Enclosures required; exception.* It shall be unlawful for any person to keep or maintain any dog or other animal which has been found to be vicious dog unless such dog is at all times in an enclosure. The only times that a vicious dog or other animal may be allowed out of the enclosure are:

(1) If it is necessary for the owner or keeper to obtain veterinary care for the pet, or

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(2) To comply with the order of a court of competent jurisdiction, provided that said pet is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

Any dog or other animal found to be vicious or dangerous by the director shall be impounded and if the owner will not confine said pet to the enclosure approved by the director, the animal shall be held by the department pending the final outcome of the court. Said owner shall pay the daily board rate every seven (7) days to the county department of animal regulation. Upon failure to pay said board rate for more than fourteen (14) days said animal shall become property of the county department of animal regulation, and be destroyed upon court order finding that the owner by failure to pay said board has abandon the animal. Failure to pay said board for fourteen (14) days shall be presumptive evidence of intent to abandon the animal.

Any dog or other animal which has been found by court to be a vicious dog or other animal which is not confined at all times shall be impounded by the county department of animal regulation for destruction by lethal injection.

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

(C) Signs to be posted. All owners of a dangerous or vicious animal shall have posted in clear view at all times at the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous or vicious pet on premises.

(D) Maintaining public nuisance. It is unlawful for any person to maintain a public nuisance by permitting any animal to leave the premises of its owner when not under control by leash or other recognized control methods.

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(E) Filing complaint. The director, the state's attorney, or any citizen of the county in which a dangerous animal exists may file a complaint in the name of the people of the state to enjoin all persons maintaining or permitting such, to abate the same, and to enjoin the owner of such animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall allow a temporary writ of injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance.

(F) Violation; restraining order. If the existence of the nuisance is established, the owner of such animal shall be in violation of this chapter, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such animal be humanly dispatched.

(G) Exemptions to section. Guide dogs for the blind, 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 with section 4-42. It shall be the duty of the owner of such exempted dog to notify [the director] of changes of address. In the case of a sentry or guard dog, the owner shall keep the director advised of the location where such dog will be stationed. The director shall provide police and fire departments with a categorized list of any address changes reported to him.

(Ord. No. 819, § 11, 8-10-82; Ord. No. 88-43, §§A—E, 3-8-88; Ord. No. 97-0704, 7-8-97)

#### **Sec. 4-21.1. Reserved.**

#### **Sec 4-21.2. Failure to comply.**

Any dog or other animal which has been found by the court to be a vicious dog, which is not confined at all times shall be impounded by the county department of animal control for destruction by lethal injection. Any dog found to be dangerous or vicious by the director and failure to comply with the ordinance shall be impounded and if the owner will not satisfy the department with an enclosure the animal shall be held pending the final outcome by the court. Said owner shall pay the daily boarding rate every seven (7) days to the county department of animal regulation. [upon] failure to pay said



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boarding rate for more than fourteen (14) days said animal shall become property of the county department of animal regulation, and may be destroyed upon entry of a court order finding that the owner, by failing to pay said boarding rate for more than fourteen (14) days has been abandoned the animal. The failure to pay said boarding for more than fourteen (14) days shall constitute a rebuttable presumption of an intent to abandon the animal. Notice of any petition to declare the animal abandoned shall be given to the owner at his last known address five (5) business days before the hearing on any such petition. Such notice of hearing on any such petition shall be dismissed, however, the court may require a deposit or some other form of surety to guarantee future payment of the boarding. (Ord. No. 97-0704, 7-8-97)

### **Sec. 4-21.3 Director to evaluate upon complaint.**

Upon a complaint received to the county department of animal regulation the director may evaluate such complaint and if he/she deems the animal is dangerous or vicious the director, under this chapter, will have the authority to declare such animal dangerous and vicious and the owner must comply with the ordinance. [Upon] failure to do so, said animal may be impounded for violation of the ordinance. (Ord. No 97-0704, 7-8-97)

### **Sec. 4-22. Confinement of female dogs and cats.**

Any female dog and cat shall be confined to an enclosure at all times during their estrus period.  
(Ord. No. 819, § 15, 8-10-82; Ord. No. 97-0704, 7-8-97)

### **Sec. 4-23. General provisions concerning impoundment.**

Any dog or cat found at large contrary to the provisions of this chapter shall be apprehended and impounded. For this purpose the director shall utilize any existing or available animal shelter.  
(Ord. No. 819, § 5, 8-10-82; Ord. No. 97-0704, 7-8-97)

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### **Sec. 4-24. Notice of impoundment.**

When dogs or cats are impounded or apprehended and impounded the director shall give seven (7) days notice to the owner. Such notice shall be mailed to the last known address of the owner. In such case the owner of said animal is unknown said animal will be held for 4 days. An affidavit or testimony of the director or his/her authorized agent who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat. In case the owner of any impounded dog or cat desires to make redemption thereof, he may do so on the following conditions:

- (1) He must present proof of current inoculations registration if applicable.
  - (2) He must pay for the rabies inoculation of the animal and registration, if applicable.
  - (3) He must pay the animal shelter for the boarding of the animal for the period it was impounded.
  - (4) He must pay an additional ten dollars (\$10.00) as a penalty for the first offense, twenty dollars (\$20.00) for the second offense, and fifty dollars (\$50.00) for the third offense in a one-year period, subsequent offense, which penalties shall be paid into the Animal Control Fund. This shall be in addition to any other penalties invoked under this chapter.
- (Ord. No. 819, § 6, 8-10-82; Ord. No. 97-0704, 7-8-97)

### **Sec. 4-25. Dogs and Cats not redeemed.**

When not redeemed by the owner, a dog or cat which has been impounded for failure to be inoculated and registered, if applicable in accordance with this provision of this chapter or any other provisions of this chapter, shall be humanely dispatched, offered for adoption, or otherwise disposed of by the animal shelter as a stray dog or cat in accordance with the laws that exist or may hereafter exist. This chapter shall not prevent humane societies from engaging in activities set forth by the chapters, provided they are not inconsistent with provisions of this chapter or other existing laws. Any person 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 before said animal leaves the animal shelter.

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### **Sec. 4-26. Killing of dog which injure, etc., livestock.**

Any owner seeing his sheep, goats, cattle, horses, mules, swine, poultry, or rabbits being injured, wounded or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill such dog.

(Ord. No. 819, § 13, 8-10-82)

### **Sec 4-27. Reimbursement for dead or injured livestock.**

(a) Any owner having sheep, goats, cattle, horses, mules, swine, poultry, or rabbits that are being raised for meat killed or injured by a dog shall, according to this chapter upon filing a 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 occurs, and he shall have appeared before a member of the County Board and makes 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 County Board are authorized to administer oaths in such cases.

(b) The damages referred to in this section shall be substantiated by the director 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 and of the animals or poultry killed or injured.

(c) The member of the board shall file a written report with the county treasurer, as to the right of an owner of sheep, goats, cattle, horses, mules or poultry to be paid out of the animal control fund, and the amount of such damages claimed.

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(d) The county treasurer shall, on the first Monday in marth of each calender year, pay to the owner of the animal or poultry the amount of damages to which he is entitled.

(e) The damages allowed for grade animals or poultry shall not exceed the following amounts:

|  | Per head  |
|--|-----------|
| (1) For goats killed or injured.....           | \$ 15.00  |
| (2) For cattle killed or injured.....          | \$ 150.00 |
| (3) For horses or mules killed or injured..... | \$ 100.00 |
| (4) For swine killed or injured.....           | \$25.00   |
| (5) For turkeys killed or injured.....         | \$5.00    |
| (6) For sheep killed or injured.....           | \$15.00   |
| (7) For all poultry, other then turkeys.....   | \$1.00    |
| (8) For rabbits killed or injured.....         | \$4.00    |

(f) The maximum amounts hereinabove set forth may be increased fifty (50) percent 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 in the portion of the fund set aside as stated in section 4-6 to pay all claims for damages in full, then the county treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.

(g) if there are funds in excess of amounts paid for such clames for damages in that portion of the animal control fund set aside for this purpose, this excess shall be used for other cost of the program as set forth in this chapter. (Ord. No. 819, § 14, 8-10-82)

**Secs. 4-28—4-40. Reserved.**

**ARTICLE III. RABIES CONTROL**

**Sec. 4-41. Prevention of spread of rabies; powers of department.**

(a) Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive

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of the spread of rabies, the department shall act to prevent its spread among dogs and other animals. The department may order:

- (1) That all dogs or other animals in the locality be:
  - a. Kept confined within an enclosure, or
  - b. Kept muzzled and restrained by leash.
- (2) Other measures as may be necessary to control the spread of rabies.

(b) The department may determine the area of the locality in which, and the period of period of time during which, such orders shall be effective.

(Ord. No. 819, § 10, 8-10-82)

### **Sec. 4-42. Registration tags and inoculation against rabies.**

(a) Every owner of a dog or cat four (4) months of age or over shall cause such animal to be inoculated against rabies by a licensed veterinarian annually. Evidence of such rabies inoculation shall be entered on a certificate, the form of which shall be signed by the licensed veterinarian administering the vaccine. The county board through the department of animal regulation shall cause a rabies inoculation tag to be issued, at a fee established by the board for each animal inoculated against rabies.

(b) Every owner required to have an animal inoculated shall be required to purchase a rabies tag and to display such tag upon request of any animal control warden or other peace officer. The owner shall purchase such tag from a licensed veterinarian at the time of inoculation. If for some reason a licensed veterinarian is unable to provide a tag at the time of inoculation, Then the owner upon satisfactory proof of inoculation of the animal being provided, shall purchase said tag at the department of animal regulation.

(c) Any animal found running at large without a leash or not in the immediate physical presence and control of the owner shall have such rabies tag displayed by attaching the same to a harness or collar around the neck of the dog or cat, so as to allow any animal control warden or other peace officer to identify the compliance with rabies inoculation and ownership of the animal.

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Any dog or cat found running at large without a leash or not in the immediate physical presence and control of the owner, without such tag shall be subject to impoundment pending the determination of the owner and proof of registration and inoculation against rabies. The owner shall be liable for the cost of impoundment for any dog or cat so found without said tag properly affixed to the animal as described.

(d) Rabies vaccine for use on animals shall be sold or distributed only to and used by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the State Department of Agriculture.  
(Ord. No. 819, § 4, 8-10-82; Ord. No. 94-1207, 12-5-94; Ord. No. 03-0401, 4-8-03)

### **Sec. 4-43. Registration; Fees.**

(a) *Dog and cat tags.* All dogs and cats four (4) months of age and over shall be registered with the department. The owner shall purchase, at the time of vaccination, a rabies tag from the licensed veterinarian inoculating said animal, with no service charge added by the veterinarian. If the licensed veterinarian is unable for some reason to provide such tag, then the individual shall be required to purchase such tag from the Department of Animal Regulation and shall be given an instruction sheet by the veterinarian explaining the fee structure and information on registering the animal. The tag shall be attached to harness or collar on the dog or cat whenever the dog or cat is in the immediate physical presence and control of the owner and then the owner shall have said tag available for inspection upon demand.

(b) *Fees for registration of dogs vaccinated in the county.* The annual registration fee on dogs vaccinated in Vermilion county shall be eleven dollars (\$11.00) if Altered and twenty (\$20.00) if intact. If the registration is made at the veterinarian's office on the day of vaccination. The registration fee, if made at the department less than thirty (30) days [after vaccination], shall be sixteen dollars (\$16.00) if altered and twenty-five (\$25.00) if intact. If the registration is made after thirty (30) days, The fee shall be twenty-six dollars (\$26.00) if altered and thirty-five (\$35.00) if intact.

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*(c) Fees for registration of dogs vaccinated outside of county.*

The annual registration fee on dogs vaccinated outside the county shall be eleven dollars (\$11.00) if altered and twenty (\$20.00) if intact, if registration is made within thirty (30) days of vaccination. If made after thirty (30) days of vaccination, the fee shall be twenty-one dollars (\$21.00) if altered and thirty dollars (\$30.00) if intact.

*(d) Fees for registration of cats vaccinated in the county.* The annual registration fee on cats vaccinated in Vermilion county shall be seven dollars (\$7.00) if altered and fifteen (\$15.00) if intact if the registration is made at the veterinarian's office the day of vaccination. The registration fee, if [registration is] made at the department less than thirty (30) days of [after] vaccination, shall be twelve (\$12.00) if altered and twenty (\$20.00) if intact. If the registration is made after thirty (30) days, the fee shall be twenty-two dollars (\$22.00) if altered and thirty (\$30.00) if intact.

*(e) Exemption for guide dogs.* The registration fee for guide dogs for the blind, hearing impaired and physically handicapped shall be waived, upon presentation to the department of the credential issued for the dog by a recognized school for guide dogs.

*(f) Fees for registration of cats vaccinated outside of the county.*

The annual registration fee on cats vaccinated outside of Vermilion county shall be seven dollars (\$7.00) if altered and fifteen (\$15.00) if intact, if registration is made less than thirty (30) days after the cat has been vaccinated for rabies. If the registration is made after thirty (30) days from the vaccination, the fee shall be seventeen dollars (\$17.00) if altered and twenty-five (\$25.00) if intact.

(Ord. No. 819, § 16, 8-10-82; Ord. No. 948, 9-13-83; Ord. No. 87-90-3; 10-13-87; Ord. No. 89-53, 5-9-89; Ord. No. 90-273, 11-13-90; Res. No. 91-440, 11-13-91; Ord. No. 94-0710, 7-12-94; Ord. No. 94-1207, 12-5-94; Ord. No. 98-903, 9-8-98; Ord. No. 99-1013, 10-12-99; Ord. No. 02-1012, 10-8-02; Ord. No. 03-0401, 4-8-03)

**State law references**—Rabies vaccination requirement, 510 ILCS 5/3.

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### Sec. 4-44. Dogs exhibiting signs of rabies.

(a) 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 director.

(b) The owner shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten (10) days. 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 director.

(Ord. No. 819, § 8, 8-10-82)

### Sec. 4-45. Report of bite.

(a) Except as otherwise provided in subsection (e) of this section, when the director receives information that any person has been bitten by a dog or other animal, the director or authorized representative shall have such dog or other animal confined under the observation of a licensed veterinarian or at the Vermilion County Department of Animal Regulations for a period of ten (10) days. Such veterinarian shall report the clinical condition of the animal immediately with confirmation in writing to the director within twenty-four (24) hour 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 director 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 director advising him/her 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 its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the director adjudges such confinement satisfactory. At the beginning of the confinement period, such dog or other animal shall be examined by the director or his representative. At the end of the confinement period, such dog or other animal shall be examined by a licensed veterinarian or the director.



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(b) 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 director promptly. 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 director, or his/her authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the director, or his/her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by the director or authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his/her responsibilities.

(c) Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

(d) For the purpose of this section, the word "*immediately*" means by telephone, in person, or by other than use of mail.

(e) 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 be under the dog being locked in a kennel, performing its duties in a police vehicle, or remaining under the constant supervision of its police handler. The police officer is responsible to report said bite to the director.

(f) *Law enforcement* means an agency of the state or a unit of local government that is vested by law or ordinance with the duty to maintain public order, and to enforce criminal laws or ordinances.

*Peace officer* has the meaning ascribed to it in section 2-13 of the criminal code of 1961.

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*police dog* means a dog trained to assist peace officers in their law enforcement duties.

(Ord. No. 819, 9, 8-10-82; Ord. No. 97-0704, 7-8-97; Ord. No. 99-1006, 10-12-99)

**Secs. 4-46—4-60. Reserved**

### ARTICLE IV. HUMANE CARE AND TREATMENT OF ANIMALS\*

#### **Sec. 4-61. Definitions.**

[As used herein, the following terms shall have the meanings respectively ascribed to them, unless the context requires otherwise.]

**Editor's note**—Ord. No. 896, adopted May 10, 1983, did not expressly amend the Code; hence codification of §§ 2—14 and 17 as herein set out in §§ 4-6—4-74 was at the editor's discretion.

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*Animal* means every living creature, domestic or wild, but does not include man.

*Animal control warden* means any person appointed and approved by the board to perform duties as assigned by the director.

*Board* means Vermilion County Board.

*Department* means the Vermilion County Animal and Rabies Control Department.

*Director* means the director of Vermilion County Animal and Rabies Control Department or his/her duly appointed representative.

*Owner* means any person who:

- (1) Has right of property in an animal;
- (2) Keeps or harbors any animal;
- (3) Has an animal in his/her care; or
- (4) Acts as custodian of an animal.

*Owner's duties.* Each owner shall provide for each of his/her animals:

- (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.

*Person* means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the state.

(Ord. No. 896, § 2, 5-10-83)

**cross references-** Definitions for Ch. 4 generally, § 4-1; definitions applicable to Art. V, § 4-91.

### **Sec. 4-62. Peace officers.**

The director and animal wardens are hereby peace officers in Vermilion county.

(Ord. No. 896 § 14, 5-10-83)

**State law references**—Animal control wardens police powers, Ill. Rev. Stat. Ch. 8, § 355.

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### **Sec. 4-63. Normal husbandry practices.**

Nothing in this article affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests.  
(Ord. No. 896, § 12, 5-10-83)

### **Sec. 4-64. Prohibited acts generally.**

(a) No person or owner may beat, cruelly treat, torment, overload, overwork or otherwise abuse any animal.

(b) No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks or ducklings shall not be sold, offered for sale, bartered, or given away as pets or novelties.

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(c) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure. (Od. No 896, § 3, 5-10-83)

### **Sec. 4-65. Animals for use in entertainment.**

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal for the purpose of sport, wagering, or entertainment.

(b) No person shall own, possess, promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for the purpose of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used to fight another animal or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation, or delivery any device or equipment which that person knows or should know is intended for the use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for the purpose of sport, wagering, or entainment.

(e) No person shall sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for the use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals or the intentinal killing of any animal for the purpose of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any

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show, exhibition, program, or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for the purpose of sport, wagering or entertainment.(Ord. No. 896, § 4, 5-10-83)

### **Sec. 4-66. Horses, acts prohibited.**

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 this state without violating this article. Such a horse may be conveyed to a proper place for medical or surgical treatment or for humane keeping or euthanasia. (Ord. No. 896, § 6, 5-10-83)

### **Sec. 4-67. Poisoning dog or other domestic animals prohibited; exception.**

No person may knowingly poison or cause to be poisoned any dog or other domestic animal. The only exception will be by written permit from the department for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a written permit shall name the person or persons conducting the poisoning, specify the products to be used, given the boundaries the area involved, and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drug used for euthanasia shall be by or under the direction of a licensed veterinarian.(Ord. No.896, § 6, 5-10-83)

### **Sec. 4-68. Transportation of animals.**

No owner, railroad or other common carrier may, when transporting any animal, allow that animal to be confined in any type of conveyance more then twenty-eight (28) consecutive hours without being exercised as necessary for that particular type of animal and without being properly rested, fed and watered; except that a reasonable extension of this time limit shall be granted

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when a storm or accident causes a delay. In the case of default of the owner or consignee, the company transporting the animal shall exercise the animal when necessary for the particular type of animal and for proper resting, feeding, watering and sheltering of such animal, and shall have a lien upon the animal until all expenses resulting therefrom have been paid. (Ord. No. 896, § 7, 5-10-83)

### **Sec. 4-69. Tying dos or cats.**

No person or owner may allow a dog or cat to be tied with a chain, rope or cord less then six (6) feet in length. (Ord. No. 896, § 13, 5-10-83)

### **Sec. 4-70. Administration of this article; rules and regulations.**

The department shall administer this article and shall promulgate such rules and regulations as are necessary to effectuate the purpose of this article. Such rules and regulations are subject to the approval of the health committee and the county board. (Ord. No. 896, § 8, 5-10-83)

### **Sec. 4-71. Entry upon premises for investigation of complaints; exemption; assistance of state's attorneys and law enforcement officials.**

(a) upon receiving a complaint of a suspected violation of this article, the director, his/her representative or any law enforcement official may, for the purpose of investigating the allegations of the complaint, enter upon any premises where the animal or animals described in the complaint are housed or kept. Institutions operating under federal license to conduct laboratory experimentation utilizing animals for research or medical purposes are, however, exempt from the provisions of this section.

(b) State's attorneys and law enforcement officials shall provide such assistance as may be required in conduct of such investigations. Any such investigation requiring legal procedures shall be immediately reported to the department. (Ord. No. 896, § 9, 5-10-83)

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### **Sec. 4-72. Notification of violator.**

If an investigation under section 4-71 discloses that a violation of this article has been committed, the director, his/her authorized representative or animal warden shall notify the violator what action is necessary to come into compliance with this article and that a maximum of forty-eight (48) hours may be granted in which to take corrective action. If, at the end of that period corrective action has not been taken, legal action shall be instituted. This section shall not apply to violations committed under section 4-65 of this article. (Ord. No. 896, § 10, 5-10-83)

### **Sec. 4-73. Impounding animals; lien for expense; sale**

(a) When the director, his/her representative or a veterinarian finds that a violation of this article has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, The department is authorized to impound the animal in a facility which will provide the elements of good care as set forth in section 4-64 of this article.

(b) Any expense incurred in such impoundment becomes the responsibility of the owner and a lien on the animal impounded and must be discharged before the animal is released from the facility. When the animal is not calmed by its owner and all impoundment cost satisfied within seven (7) days, it may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this article, with the proceeds of that sale applied first to discharge the lien and any balance to be paid over to the owner. If no purchaser is found, the animal may be offered for adoption or disposed of in a manner not inconsistent with this article or any other ordinance. (Ord. No. 896, § 11, 5-10-83)

### **Sec. 4-74. Violations; punishment.**

Any person violating or aiding in or abetting the violation of any provision of this article, or resisting, obstructing, or impeding the director, or his/her authorized representative, animal warden or any law enforcement official in enforcing this article shall be fined not less than fifty dollars (\$50.00) and not more than five hundred

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hundred dollars (\$500.00). Each day a person fails to comply constitutes a separate offense. (Ord. No. 896, § 17, 5-10-83)

**Secs. 4-75—4-90. Reserved.**

### ARTICLE V. EXOTIC ANIMAL\*

#### Sec. 4-91. Definitions.

[As used herein, the following terms shall have the meanings respectively ascribed to them, unless the context requires otherwise:]

*Animal control warden* means any person appointed and approved by the board to perform duties as assigned by the director.

*Board* means Vermilion County Board.

*Department* means the Vermilion County Animal and Rabies Control Department.

*Director* means the director of Vermilion County Animal and Rabies Control Department or his/her duly appointed representative.

*Exotic animals* means any animal which is not endemic or native to the State of Illinois.

*Owner* means any person who:

- (5) Has right of property in an animal;
- (6) Keeps or harbors any animal;
- (7) Has an animal in his/her care; or
- (8) Acts as custodian of an animal.

*Person* means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the state. (Ord. No. 897, § 2, 5-10-83)

**Editor's note**—Ord. No. 897, adopted May 10, 1983, did not expressly amend the Code. Codification of §§ 2—6 and 9 as herein set out in §§ 4-91—4-96 was at the editor's discretion.

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**cross references-** Definitions for Ch. 4 generally, § 4-1; definitions applicable to Art. V, § 4-61.

### **Sec. 4-92. Peace officers.**

The director and animal wardens are hereby peace officers in Vermilion County. (Ord. No. 897, § 3, 5-10-83)

**State law references--** Animal control wardens police powers, Ill. Rev. Stat. Ch. 8, § 355.

### **Sec. 4-93. Owner's responsibility.**

(a) Any person owning an exotic animal shall keep said animal restrained on their premises so as to prevent their escape and preclude the entrance of unauthorized persons.

(b) If an exotic animal is transported from the owner's premises it must be restrained or enclosed in a manner that would prevent its escape. (Ord. No. 897, § 3, 5-10-83)

### **Sec. 4-95. Administration of article; rules and regulations.**

The department shall administer this article and shall promulgate such rules and regulations as are necessary to effectuate the purposes of this article. Such rules and regulations are subject to the approval of the health committee and the county board. (Ord. No. 897, § 4, 5-10-83)

### **Sec. 4-95. Entry upon premises for investigation of complaints; assistance of state's attorneys and law enforcement officials.**

(a) Upon receiving a complaint of a suspected violation of this article, the director, his/her representative, an animal control warden or any law enforcement official may, for the purpose of investigating the allegations of the complaint, enter upon any premises where the exotic animal or animals described in the complaint are housed or kept.

(b) States attorneys and law enforcement officials shall provide such assistance as may be required in the conduct of such

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investigations. Any such investigation requiring legal procedures shall be immediately reported to the department. (Ord. No. 897, § 5, 5-10-83)

### **Sec. 4-96. Violations; punishment.**

Any person violating or aiding in or abetting the violation of any provision of this article, or resisting, obstructing, or impeding the director, or his/her representative, animal warden or any law enforcement official in enforcing this article shall be fined as provided in section 4-5. Each day a person fails to comply constitutes a separate offense. (Ord. No. 897, § 9, 5-10-83)

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