

Rock Island County Animal Control Ordinance

Section 1 - General Provisions

1.1 SHORT TITLE

This article shall be known and cited as the "Animal Control Ordinance".

1.2 POLICY AND PURPOSE

It has been found by the Rock Island County Board of Health and Rock Island County Animal Care & Control, that animals that are not controlled by responsible owners become a hazard to the safety and health of persons. It has also been established that rabies could be present in wildlife in Rock Island County and that rabies vaccination of dog and cat pets is an important barrier to preventing an epidemic of the disease in pets and thereby preventing a potential disease problem in the susceptible population of the County.

Registration provides an important means of identifying owners of biting animals and thereby establishes responsibilities for ten (10) day quarantines. The registration fees and fines provide money to pay the costs of effectuating the Animal Care and Control Program in the County.

The purpose of this ordinance is to provide harmonious relations in the interaction between person and animal by:

- 1.2.1 Protecting the citizens of Rock Island County from rabies by specifying such prevention and control measures as may be necessary.
- 1.2.2 Providing security to residents from annoyance, intimidation and injury from dogs or other animals.
- 1.2.3 Encouraging responsible pet ownership through education.
- 1.2.4 Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies.
- 1.2.5 Providing for the assessment of penalties for violations and for the enforcement and administration of this Ordinance; the State of Illinois Animal Control Act; Humane Care for Animals Act; Animal Welfare Act; and the State and Federal Wildlife Codes.

1.3 SCOPE

This article shall include the following provisions:

- 1.3.1 Duties of the owners to vaccinate dogs and cats in their custody against rabies and to register said dogs and cats with Rock Island County Animal Care & Control.
- 1.3.2 Provisions for impoundment or confinement of biting animals.
- 1.3.3 Duties of owners to responsibly control all domestic animals in their custody.
- 1.3.4 Duties of owners to treat humanely all domestic animals in their custody.

1.3.5 Provisions for penalties to persons who violate this Ordinance; the Illinois State Animal Control Act; Humane Care of Animals Act; Animal Welfare Act; or State or Federal Wildlife Code.

1.4 PET POPULATION CONTROL FUND

1.4.1 A County Animal Pet Population Control Fund is established and funded by \$10 of the annual unaltered pet registration. This fund shall be used to spay or neuter animals: 510 ILCS 5/3.

- (a) placed for adoption by the Rock Island County Animal Care & Control facility
- (b) dogs or cats owned by low-income county residents who qualify by state guidelines
- (c) reimbursement of \$40 differential for dogs or cats spayed or neutered within 60 days of paying the un-altered registration fee

1.5 REPORTING

1.5.1 Any person, dog dealer, kennel operator, cattery operator, animal shelter, foster home or pet shop operator, selling, adopting, or fostering dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator including sales, adoptions, source, dispositions, number of litters, microchip numbers and ownership of dogs or cats.

Section 2 - Definitions

2.1 ABANDONED. Any animal left deserted, forsaken, or unrestrained where it may become a public charge or may suffer injury, hunger or exposure.

2.2 ANIMAL. Any living creature, other than human, domestic or wild.

2.3 ANIMAL CONTROLLED OR RESTRAINED. A dog or cat, off the premises of its owner's real property, is under control or restraint if it is controlled by a leash or lead not more than six (6) feet in length when said line is held by a competent person; when at "heel" of a competent person; when under voice control of competent person; when confined within a crate, cage or other animal carrier; when confined within a vehicle; or when utilized in the sport of hunting. A dog or cat is under restraint or control when within the premises of its owner or another person, with consent of the other person, and is prevented from leaving said premises by some suitable barrier or restriction.

2.4 ANIMAL CONTROL ADMINISTRATOR. A person appointed by the County Board Chairman and approved by the County Board, to perform duties and exercise police powers of enforcement in order to effectuate the purposes of this Ordinance; Illinois Animal Control Act; Humane Care for Animals Act; Animal Welfare Act; State and Federal Wildlife Codes. 510 ILCS 5/3.

2.5 AT LARGE. Any animal shall be deemed at large when it is off the premises of its owner's real property, or property where it has permission to be, and not restrained or controlled by a competent person. 510 ILCS 5/9 and 5/24.

2.6 BOARD. Board means the county board in each county, defined by Section 5-1004 of the Counties Code. 510 ILCS 5/2.04.

2.7 CAT. Cat means *Felis catus*. 510 ILCS 5/2.04a.

2.8 COMPETENT PERSON. A person of the mental and physical capability to control the animal in question and to whose command the animal is obedient.

2.9 CONFINE. The restriction of an animal at all times by the owner or his/her agent to an escape proof building, house or other enclosure away from other animals and the public. 510 ILCS 5/2.05.

2.10 DOG. (Canine) All domestic members of the family Canidae. 510 ILCS 5/2.11.

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

2.12 ENCLOSURE. A fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of other domestic animals or young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. This should not be construed to mean cement floor only; other suitable means such as cement poured directly below or inside the perimeter or railroad ties buried or placed around the perimeter to a depth or in manner to prevent animal from escaping. 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.

2.13 IMPOUNDED. Animal apprehended and taken into custody of the public animal control facility located within the county.

2.14 OWNER. Any person having right of property in an animal or who acts, keeps or harbors an animal, or who has it in their 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.

2.15 PERSON. 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.

2.16 RETURN TO OWNER (RTO) or REDEMPTION FEE. Costs incurred when impounding an animal which includes processing animal entry and exit at the shelter. This also includes boarding and transportation fees and may include vaccination fees and/or registration fee. 510 ILCS 5/10.

2.17 VIOLENT DOG. In order to have a dog deemed "violent", the Administrator, Deputy Administrator, 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 violent 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 to be a violent dog. The Administrator shall determine where the animal shall be confined while the case is pending.

Section 3 - Vaccination of Dogs and Cats

3.1 VACCINATIONS

- 3.1.1 Every owner of a dog or cat four (4) months of age, within Rock Island County, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian as established by regulations set forth in 510 ILCS 5/8.
- 3.1.2 Evidence of such vaccination shall be entered upon a certificate which shall be signed by the veterinarian administering the vaccine and name of clinic, hospital, or facility with which said veterinarian is affiliated.
- 3.1.3 Evidence of such rabies inoculation shall be entered on a certificate which shall be signed by the veterinarian administering the vaccine and name of clinic, hospital, or facility with which said veterinarian is affiliated. Veterinarians who inoculate a dog or cat shall procure from the County Animal Control in the county where their office is located 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 if it has one. 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 by providing inoculation tags to veterinarians located within the county or by request of veterinarians outside the county. Established fees shall be collected by the veterinarians and submitted to the county animal control facility in a manner agreed upon by the Administrator and the individual veterinarians.
- 3.1.4 The vaccination Registration Certificate shall contain information pertaining to one pet only.
- 3.1.5 Further Rabies Control shall be carried out as established in Illinois Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/14 et seq. and Section 5/12 et seq.

3.2 REGISTRATION OF VACCINATED COUNTY DOGS AND CATS

- 3.2.1 Every owner of a dog or cat four (4) months or more in age shall register such dog or cat and pay an annual registration fee for said dog or cat to the Rock Island County Animal Control Office, as established in Illinois Animal Control Act; Illinois Compiled Statutes; Chapter 510, Section 5/8 et seq.
- 3.2.3 Three (3) year rabies vaccinations are recognized by the State of Illinois. Whenever a pet owner has a Vaccination Registration Certificate that shows a three (3) year vaccine has been administered by the veterinarian; the owner will be responsible for obtaining one (1) year Registration Tags within 30 days of each anniversary of the date of Rabies Inoculation.
- 3.2.4 Change of ownership information should be made to the Rock Island County Animal Control Office.

Section 4 - Biting Animals

4.1 REPORT OF BITE

- 4.1.1 It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the Rock Island County Animal Care & Control Office, Sheriff's Department, local Police Department, or other officer with the delegated authority who are responsible for the area in which the bite occurred.

- 4.1.2 A bite report shall be completed and forwarded to the Rock Island County Animal Care & Control Office within 24 hours. Bite Reports shall be furnished by the Rock Island County Animal Care & Control Office identifying required information.
- 4.1.3 The owner of any dog, cat or other animal, which shall have been bitten by another dog, cat or other animal, shall immediately inform the Rock Island County Animal Care & Control Office, giving name, address, owner, registration number, description and location of such animal if known.

4.2 CONFINEMENT OF BITING ANIMALS

- 4.2.1 When Rock Island County Animal Care & Control receives information that a human being or other animal has been bitten by a dog, cat, or other animal; the Administrator or Deputy Administrator or his or her authorized representative shall have such dog, cat, or other animal confined under the observation of a veterinarian for a period of ten (10) days.
- 4.2.2 When evidence is presented that such dog, cat or other animal was vaccinated 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 human being or other animal for a period of ten (10) days, if the administrator, other licensed veterinarian or animal control officer declares such confinement satisfactory. At the end of the confinement period, such dog, cat or other animal shall be examined by the administrator or other licensed veterinarian.
- 4.2.3 The owner of a biting animal shall be provided a form, VETERINARIAN RELEASE, which must be presented to and signed/dated by the examining veterinarian. This signed release must be returned to the Rock Island County Animal Care & Control office within 24 hours of release.
- 4.2.4 When the owner of a biting dog is unknown, such dog shall be taken to the public animal control facility located within the county and placed under observation for ten (10) days or until an owner may be located.
- 4.2.5 Further enforcement of Biting Animals and Confinement may be carried out as established under Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/13 et seq.

4.3 LIABILITY OF OWNER

- 4.3.1 If a dog or other animal, without provocation, attacks, bites or injures any person or domestic animal who is peacefully conducting themselves in any place where they may lawfully be, the owner of such dog or other animal is liable for full amount of injury and damages sustained. 510 ILCS 5/16. This liability to include death or injury to wildlife animals and birds kept under state or federal license permit.
- 4.3.2 The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine within 30 days after notice. 510 ILCS 5/13.

4.4 SPECIAL PROCEDURE; BITING ANIMALS, UNUSUAL CIRCUMSTANCES

- 4.4.1 Family members bitten. Owners of animals that have bitten members of immediate family residing at the same address, are encouraged to submit the biting animal for veterinary examination. The biting animal shall be confined in a manner which will prohibit it from biting other people or animals.

- 4.4.2 Multiple bite reports of same family members may show need for investigation under the Humane Care for Animals Act for possible abuse or neglect.
- 4.4.3 Caged animals. Owners of caged rabbits, ferrets, guinea pigs, hamsters, gerbils, rats and mice that have been owned over thirty days shall not be required to obtain a veterinary examination when their caged animal has bitten a human being or other animal, but shall report the health of the biting animal by telephone or in person to the Rock Island County Animal Care & Control Office on the first and tenth days following the bite.
- 4.4.4 Guard dogs. Owners of guard dogs that have bitten a person in performance of guard duty and have been officially vaccinated and registered shall not be required to confinement or to obtain veterinary examination; but shall report the health of biting animal to the Rock Island County Animal Care & Control Office on the first and tenth days following the bite.
- 4.4.5 Large Animals. Cattle, sheep, swine, and horses that have bitten a human being or other animal shall be confined to the owner's property and examined by a veterinarian on the first and tenth days after the bite.

Section 5 - Dangerous Dogs

- 5.1.1 After a thorough investigation including: sending, within 10 business days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.
- 5.2 A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:
 - 5.2.1 The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
 - 5.2.2 The threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
 - 5.2.3 The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
 - 5.2.4 The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
 - 5.2.5 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.
- 5.3 If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if

not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

- 5.3.1 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
- 5.3.2 Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
- 5.3.3 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.
- 5.3.4 Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. 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 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 or her.
- 5.3.5 The Administrator has the right to impound a dangerous dog if the owner fails to comply with the requirements of this ordinance.

5.4 An owner/custodian who wishes to appeal a determination may submit in writing by certified mail or in person, their intent to do so the County Administrator of Animal Care & Control within 10 days of notification that the dog has been deemed Dangerous.

- 5.4.1 The Administrator will schedule a hearing before a hearing officer appointed by the County Board.
- 5.4.2 Notification will be sent to the owner or custodian by certified mail or in person indicating the date, time and location of the hearing.
- 5.4.3 An owner or custodian may present evidence or testimony at the hearing on their behalf to support a determination that the dog not be deemed dangerous. The county Administrator may present evidence or testimony before the hearing officer to support a determination that the dog be deemed dangerous.
- 5.4.5 A determination will be provided by the hearing officer at the conclusion of all testimony.
- 5.4.6 An owner/custodian of a dog deemed dangerous must comply with any current city and county ordinances and any applicable state statutes that address dangerous dogs.

Section 6 - Vicious Dogs

6.1 In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, 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 States Attorney's office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary 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.

- 6.2 A dog may not be declared vicious if the court determines the conduct of the dog was justified because:
 - 6.2.1 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 was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
 - 6.2.2 The injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring;
 - 6.2.3 The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel or offspring.
 - 6.2.4 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 the manner that is specific as to breed.
- 6.3 If the burden of proof has been met, the court shall deem the dog to be a vicious dog.
- 6.4 If the dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, 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 the dog is subject to enclosure.
- 6.5 If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized.
- 6.6 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 approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of county Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.
- 6.7 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 the law enforcement authority having jurisdiction in such area.
- 6.8 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 working days, the dog may be euthanized.

6.9 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.

6.10 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 3 of this ordinance and 510 ILCS 5/8. 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 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.

6.11 If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

6.12 Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

6.13 If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

Section 7 - At Large / Public Nuisance

7.1 RUNNING AT LARGE - IMPOUNDMENT

7.1.1 The owner of any dog, cat or other animal shall not permit such animal to run at large within Rock Island County.

7.1.2 No person shall cause or permit any animal owned by him/her to run at large on any public place or on any privately owned premises, other than the owners.

7.1.3 Whenever the Administrator or Deputy Administrator or his or her authorized representative observes or is informed that any dog, cat or domestic animal is roaming freely and not under control of the owner, it shall be considered running at large within Rock Island County and shall be deemed and considered to be a public nuisance. The animal shall immediately be apprehended and impounded.

7.1.4 Any person may apprehend an at large animal and inform local police or an Animal Control Officer and hold so that such animal may be impounded.

7.1.5 All stray/at large animals impounded shall be scanned for the presence of a microchip upon arrival, and a record of impoundment entered into a database containing but not limited to location of apprehension, time and date of impoundment, license/tag information, species, owners information, and the physical condition of the animal.

7.1.6 When a stray/at large animal is impounded, notice shall be made by telephone, if unattainable by phone, given by mail to the last known address of the owner. Stray/at large animals shall be held not less than seven (7) days. All unclaimed animals deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

7.1.7 The owner of a stray/at large animal is responsible for all costs relating to the apprehension and impoundment of the animal.

7.1.8 The provisions of Section 7 shall not apply to:

- (a) Dogs being used in hunting or field trials
- (b) Dog shows while on public lands set aside for those purposes
- (c) While on private property of others with the actual, implied, customary, or constructive consent of the owner of such private premises
- (d) While going to or from a hunting, field trial, or dog show site
- (e) Dogs used in tracking in conjunction with police activities
- (f) Dogs of the Canine Corp of any law enforcement agency or Armed Forces while being used to conduct official business

7.2 PUBLIC NUISANCE

It is unlawful for any person to create a nuisance by allowing or permitting any of the following:

7.2.1 To allow any dog, cat or domestic animal to pass without permission upon the premises of another, thereby causing substantial damage to or interference with the premises.

7.2.2 To allow any dog, cat or domestic animal to cause serious annoyance or disturbance to any person or persons by frequent, habitual, excessive howling; barking; meowing; caterwauling or other noise making.

7.2.3 To allow unsanitary, dangerous or unreasonable offensive conditions. Every owner maintaining an animal run or yard shall keep the same clean and sanitary, and free from all refuse. Such yards shall be thoroughly cleaned at least once every twenty-four hours. It shall be unlawful to permit feces, decaying food, or refuse of any kind to remain in such yards. When swept up or collected, such refuse shall be kept in air tight containers until disposed of in accordance with ordinances of Rock Island County. It shall be unlawful to permit such refuse to remain uncovered.

7.2.4 To allow any animal to run after or chase persons, other animals, bicycles, or vehicles while off the premises of the owner.

7.2.5 To allow any animal to molest, attack, bite, interfere with, or physically intimidate persons or other animals off the premises of the owner.

7.2.6 To allow any dangerous or vicious animal to leave the premises of its owner when not under a recognized method of control or restraint.

7.2.7 It shall be unlawful for an owner or any person to direct; encourage; or knowingly allow a dog or other animal to attack or bite any person or domestic animal when that person or domestic animal is peacefully conducting themselves where they may legally be.

7.3 PROVOKING ANIMALS

7.3.1 It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provision of this Ordinance.

7.4 TRAPPING

7.4.1 No person shall set or allow to be set any trap to catch any domestic animal, (whether the trap is owned by them or not) on his/her property unless approved by the Animal Control Officer. The indoor trapping of mice and rats is permitted. Live traps which do not injure animals, will be permitted unless there is a designated trapping season which prevents its use.

7.5 DEAD ANIMALS

7.5.1 The owner of an animal shall be responsible for the disposal of such animal's remains upon its death, from whatever cause, and regardless of the location of the remains.

7.5.2 No person shall allow the body of, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.

7.5.3 No person shall skin, dismember, butcher, dress, or exhibit dead animals in view of the public in residentially used areas of Rock Island County.

7.6 DOG OR CAT IN HEAT (estrus) AND LIABILITY FOR MIS-MATING

7.6.1 The owner of every female dog or cat in heat shall confine such animal in a building or secure enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

7.6.2 The owner of any male dog or cat running at large shall be held financially responsible for mis-mating injection or other remedy determined by a veterinarian when such male dog mates with female dog or cat that is confined as required in 7.6.1. The owner of the male animal shall also be financially responsible for care and cost of adoption of resulting litter.

7.7 RESPONSIBILITY OF OWNER

7.7.1 The owner of any dog or cat running at large shall be responsible for the manual and physical clean up or pick up in a timely manner, or mess or damage done by such animal at large as well as any monetary liability.

7.8 COLLAR/HARNESS AND REGISTRATION TAGS

7.8.1 Every pet owner within Rock Island County shall provide such pet with a collar or harness to be worn when said animal is outside a secure enclosure. Collars shall be of sufficient strength to control and restrain the animal without causing injury to the animal. Animals restrained by rope or chains must have collars or harnesses.

7.8.2 No person shall, without the consent of the owner or keeper of any animal, take away or otherwise remove the registration tag, identification tag, or collar/harness from any dog or cat except in an emergency or for the welfare of the animal.

7.9 RULES/RESTRICTIONS CONTRARY TO ORDINANCE

7.9.1 No person may set rules and/or restrictions that shall cause a pet owner to be in direct violation of any Statute, Resolution, or Ordinances of the State of Illinois, County of Rock Island, or municipalities.

7.10 EXCESSIVE OR HABITUAL VIOLATIONS

7.10.1 When a pet owner has three (3) or more violations of the same type, or violations in combination, regarding one or more pets, the Administrator may have one or more such pets removed from an owner or custodian and place for adoption or otherwise dispose of such animals in a humane manner.

7.10.2 When the violation is regarding inhumane treatment of animals, the Administrator may deem the owner unfit and ban from owning or having pets in his/her care for a set period of time. After that time has elapsed, he/she will again be allowed to own or care for animals after a thorough investigation by an Animal Control Officer or State Humane Investigator.

7.10.3 When an owner has been banned from owning or having animals in his/her care; information shall be provided to all other Animal Control Officers, shelters, and Humane Investigators.

7.10.4 An owner/custodian may appeal a decision pursuant to Section 5.4 of this ordinance, to the Administrator of Rock Island County Animal Care & Control or his or her designee.

Section 8 - Humane Care for Animals

8.1 HUMANE CARE AND TREATMENT

8.1.1 It shall be unlawful for any person to abuse or neglect or in any way treat inhumanely any animal within Rock Island County.

8.2 This Rock Island County Animal Control Ordinance shall cause all persons within Rock Island County to abide by the Humane Care for Animals Act as established in 510 ILCS 70/1 et seq.

8.2.3 Cruel Treatment. No person shall cruelly treat any animal as established under Illinois Humane Care for Animals Act; this shall include the prohibition of persons to crop any animals ears, dock an animals tail, or perform any similar surgeries except by a licensed veterinarian. 510 ILCS 70/3.01 & 3.03.

8.2.4 No owner or person shall confine any animal in a motor vehicle or enclosed trailer, kennel, dog house, or any type of container or structure used for confinement in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department Investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

8.2.5 No person driving a motor vehicle shall transport any animal in the back of the vehicle for any load on the vehicle unless the space is enclosed or has side and tail racks to the height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by

secured container or cage in the manner which will prevent animal from being thrown, falling or jumping from the vehicle.

- 8.2.6 No person shall abandon any animal on any public or private property or roadway within Rock Island County. 510 ILCS 70/3.01.
- 8.2.7 Any person striking, injuring, or killing any dog, cat or domestic animal with a vehicle shall render assistance when possible and/or notify the owner, police or an Animal Control Officer.
- 8.3 Owner's duties as listed in the Illinois State Humane Care for Animals Act (510 ILCS 70/3) and as pertains to the Rock Island County Animal Control Ordinance, under "adequate shelter and protection for weather" shall include:
 - 8.3.1 Shelter from SUNLIGHT. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals/pets kept outdoors to protect themselves from the direct rays of the sun.
 - 8.3.2 Shelter from RAIN or SNOW. Animals/pets kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - 8.3.3 Shelter from COLD WEATHER. Shelter shall be provided for all animals/pets kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the animal/pet species concerned.
 - 8.3.4 Shelter from EXTREME HEAT OR COLD. Shelter that is provided in an enclosed area such as enclosed porch or vehicle, shall not cause danger, distress or discomfort to the animal.
 - 8.3.5 DRAINAGE. A suitable method shall be provided to rapidly eliminate excess water to prevent a damp, wet or muddy environment.
 - 8.3.6 PROPER SHELTER. Shall be defined as protection from weather for a dog or cat as a moisture proof building, with dry floor and adequate clean bedding material. A horse shall have a building of at least three (3) walls and a roof. It shall have a dry floor with clean and adequate bedding of straw, chips or other suitable material.
 - 8.3.7 SUFFICIENT ROOM. A pen or kennel shall be of sufficient room to provide adequate exercise. Cable, lead line, tie line or any line used to secure animal in yard or pen shall be of sufficient length and placement to provide tangle free exercise.

Section 9 - Violations and Penalties

- 9.1 Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00) . For the first offense, a warning citation may be issued. Each day a person fails to comply constitutes a separate offense. Violators may also be charged with a Class C Misdemeanor.
 - 9.1.1 As an alternative remedy the Administrator in this ordinance, or in any Statute, the Administrator may issue a ticket in those instances where an owner violates this Ordinance.

Section 10 - Collection of Monies

10.1 The Office of Rock Island County Animal Care & Control shall have and perform the following duties enumerated in this Section, in cases involving violations of Sections 4,5,6,7,9 & 11 of this Ordinance:

10.1.1 Accept payments for registration and issue tag.

10.1.2 Accept and collect registrations fees collected by veterinarian clinics issuing registration tags.

10.1.3 Maintain records of all violations of the provisions of this Ordinance of which each person has been guilty during the preceding twenty four months; whether such guilt was established in court or by payment of fine.

10.1.4 Any person charged with an offense requiring payment of a fine, shall pay such fine at the Rock Island County Circuit Clerk's Office. Whenever any person charged with an offense requiring payment of a fine fails to appear and pay his/her fine in seven working days, a formal County Ordinance violation complaint shall be initiated in the Circuit Court. All fines, forfeitures, penalties and fees collected as a result of the enforcement of this Ordinance shall be paid into the Animal Control Fund per 510 ILCS 5/7.

Section 11 - Fees

11.1 REGISTRATION FEES

11.1.1 Pursuant to the provisions of 510 ILCS 5/3; the following license fees shall be charged by Rock Island County as an annual fee:

(a) Altered Dog or Cat	\$ 10.00
(b) Unaltered Dog or Cat	\$ 50.00
(c) Police Canine	\$ 0.00
(d) Service/Guide Dog	\$ 0.00
(e) Late Fee (after 30 days)	\$ 5.00

11.1.2 Fees shall be due within thirty (30) days of the anniversary date of the rabies inoculation.

11.2 REDEMPTION FEES

11.2.1 Pursuant to the provisions of 510 ILCS 5/10; the following redemption fees shall be charged by Rock Island County:

(a) Impoundment Fee (Licensed)	\$ 25.00
(b) Impoundment Fee (Not Licensed)	\$ 50.00
(c) Boarding (Per Day)	\$ 10.00
(d) Rabies Vaccination	\$ 15.00
(e) Microchip	\$ 15.00

11.2.2 If an owner's dog is required to be quarantined for a 10-day rabies observation, the owner shall pay a rabies observation fee of \$150 in addition to any other fees that may be required.

11.2.3 If an owner's dog is required to be surrendered or euthanized per the owner's request for any reason, the owner shall pay a release fee of \$20 or euthanasia fee of \$20.

- 11.3 If an owner's dog is found running at large, the dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county. 510 ILCS 5/9.
- 11.4 The owner of any impounded dog or cat who desires to make redemption thereof shall pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days. 510 ILCS 5/10.

Section 12 - Effect of Invalid Section

- 12.1 The sections of this Ordinance are severable, and if any section herein or any portion thereof is held to be invalid, such invalidity shall not affect any other section or portion of any section herein, or any rule or regulation.

Section 13 - Repeal of Conflict Resolutions or Ordinances

- 13.1 Any portion of any other resolution or ordinance of the Rock Island County Board to the extent that such portion conflicts with the provisions of this Ordinance, are hereby repealed.

Section 14 - Effective Date of Ordinance

- 14.1 This amendatory Ordinance shall become effective upon passage and approval.

DONE IN OPEN MEETING THIS _____ DAY OF _____, 2005.

ATTEST:

James E. Bohnsack, County Board Chairman

Richard "Dick" Leibovitz, County Clerk

Ordinance #2005-