

ANIMAL CONTROL ORDINANCE

OF CHRISTIAN COUNTY

O2023 AC 037

COUNTY CHAPTER I
GENERAL PROVISION

DEFINITIONS: For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not otherwise defined herein shall have the definitions specified in the Act.

1.01 ACT The Illinois Animal Control Act, Chapter 510, Section 1 et seq. of the Illinois Compiled Statutes.

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

1.03 ANIMAL means every living creature, other than man, which may be affected by rabies.

1.04 ANIMAL CONTROL OFFICER An employee of Christian County whose duty it is to enforce the provisions of this ordinance and state law.

1.05 AT LARGE Any animal not under restraint as defined herein.

1.06 BOARD The Christian County Board.

1.07 CAT means Felis Catus.

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

1.09 DEPARTMENT The Department of Agriculture of the State of Illinois.

1.10 DOG All animals, regardless of sex, and the members of the family Canidae.

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

1.12 FERAL CAT means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

1.13 HAS BEEN BITTEN means has been seized with teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced.

1.14 IMPOUNDED Taken into the custody of the public animal control facility in the city, town or county where the animal is found.

1.15 INOCULATIONS AGAINST RABIES The injection of an anti-rabies vaccine approved by the Department of Agriculture.

1.16 INTACT ANIMAL means an animal that has not been spayed or neutered.

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

1.18 LICENSED VETERINARIAN A veterinarian licensed by the State in which he or she engages in the practice of veterinary medicine.

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

1.20 PERSON Any individual, firm, corporation, partnership, society, association or other legal entity or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any business unit.

1.21 POUND OR ANIMAL SHELTER A facility approved by the County Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

1.22 PUBLIC ENTRANCE The entranceway of a residence or other building closest to the public street or sidewalk or one which would be reasonably perceived by the public to be the entrance to the dwelling available for public use.

1.23 REGISTRATION CERTIFICATE A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act.

1.24 RESTRAINT An animal is under restraint if it is:

- A. Attached to a leash held by a responsible person;
8. Attached to or enclosed in a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailboxes or delivering newspapers at the request of the owner; or

- C. Enclosed in a fenced yard from which it is unable to escape without assistance from a person.

1.25 SERIOUS PHYSICAL INJURY means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

CHAPTER II **DUTIES AND POWERS**

2.01 DUTIES OF ADMINISTRATION - POLICE POWERS - COOPERATION OF SHERIFF AND POLICE

- A. It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Ordinance.
- B. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Ordinance. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other non-lethal weapons and equipment without specific weapons authorization.
- C. A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.
- D. The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Ordinance.
- E. The Administrator and Animal Control Wardens shall aid in the enforcement of the Humane Care For Animals Act and have the ability to impound animals and

apply for security posting for violation of that Act.

2.02 AUTHORITY TO IMPOUND ANIMALS AND ENTER ONTO PRIVATE PROPERTY

- A. It shall be the duty of animal control officers, and others specifically designated by the County to enforce any of the provisions of this Ordinance or statutes of the State as they pertain to animals.
- B. The employees and officers of Christian County are authorized to go on private property in order to enforce this Ordinance or to take up any animal which is found at large or take up any dog found without required inoculation, licensing or identification tags; however, such persons may not enter a private dwelling or attached structure or house for this purpose without a valid warrant or the consent of an occupant.

2.03 INTERFERENCE WITH ENFORCEMENT No person shall, in any way, interfere with any person who is known to such person to be or who identifies himself to be a county employee or officer enforcing the provisions of this Ordinance or engaged in catching or impounding any animal under the authority of this Ordinance of State law.

**CHAPTER III
INOCULATIONS**

3.01 Every owner of a dog or cat 4 months or more of age shall have each dog and cat (if such cat is a companion animal) inoculated against rabies by a licensed veterinarian. Every dog and cat (if such cat is a companion animal) shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. 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 animal shall be included on each certificate. The veterinarian immunizing or micro chipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee as set forth in Fee Schedule Attachment A attached to this Ordinance. Each veterinarian shall be required to submit a list of each dog and cat vaccinated per month along with the corresponding numbered tag for each such dog and cat and

payment of any applicable fees by the 10th day of the following month. Failure to timely submit this information and fees shall result in a late fee of \$50 payable by such veterinarian for the month in which such information and fees are required and each month thereafter until required information and fees are delivered.

3.02 Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.

3.03 If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the fees.

CHAPTER IV

RUNNING AT LARGE/NUISANCE

4.01 RESTRAINT OF DOGS AND OTHER ANIMALS The owner or keeper of dog or other animal shall keep the dog or other animal under restraint as defined in this Ordinance, at all times.

4.02 ANIMALS: NUISANCES

- A The owner or keeper shall not permit any animal to bark, howl, cry or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place, neighborhood, family or person in the County in a substantially consistent manner.

- B. The repetitious disturbance of any place or neighborhood or person in the County is hereby declared as a nuisance to exist. In the case of a repeat offense the County or complainant may petition the County Circuit Court for an Order to destroy the animal.

4.03 KEEPING ANIMALS A pen, stable or place in which animals are housed or kept which is unreasonably offensive to persons residing in the vicinity of the same, due to associated debris or odors, or to persons passing along any street or alley near the same, or which constitute a hazard to the health of persons residing nearby, is declared to be a nuisance and a violation of this Ordinance.

4.04 BITING ANIMALS Any owner or keeper of an animal shall not permit or fail to prevent an animal from biting or attacking a person or another animal resulting in injury

to the person or another animal resulting in injury to the person or animal attacked, provided that such an attack on a person who is or reasonably appears to be in the commission of an act made punishable under the state criminal code, is not prohibited if the animal is acting in the defense of the owner or keeper or his family or premises, and the animal remains on its premises. For the purposes of this section, it is not necessary that the person bitten or attacked be arrested or convicted of a criminal offense.

4.05 VIOLATIONS (A) Any dog found running at large contrary to provisions of this Ordinance may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. In addition to any other fines and fees permissible under this Ordinance, the dog's owner shall pay a public safety fine in the amount indicated on the Fee Schedule Attachment A to this Ordinance. A dog found running at large contrary to the provisions of this Ordinance a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment and any relevant fines set forth in the Fee Schedule Attachment A to this Ordinance.

(B) No owner is permitted to leave a dog or cat on an unoccupied premises. Charges for violation of this Section 4.05(B) will include a fine for illegal dumping of an animal and a fine for cruelty to an animal as set for on the Fee Schedule Attachment A to this Ordinance.

CHAPTER V

IMPOUNDMENT/REDEMPTION

5.01 IMPOUNDMENT When dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the "Owner" as defined herein as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

5.02 REDEMPTION In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

- A Presenting proof of current rabies inoculation and registration, if applicable.
- B. Paying for the rabies inoculation of the dog or cat as indicated in the Fee Schedule Attachment A to this Ordinance, along with paying the County animal control facility a fee for the failure to have a dog or cat vaccinated when required, if applicable.

C. Paying the County animal control facility for the boarding of the dog or cat for the period it was impounded as indicated in the Fee Schedule Attachment A to this Ordinance.

D. Paying the County animal control facility any additional amounts as prescribed by the Board as a penalty for any applicable offenses as set forth in this Ordinance, including in the Fee Schedule Attachment A to this Ordinance.

E. Paying a public safety fine to the County animal control facility as indicated in the Fee Schedule Attachment A to this Ordinance.

F. Paying for micro chipping and spaying and neutering, if required to pursuant to this Ordinance, including Fee Schedule Attachment A hereto.

5.03 ADDITIONAL FINES AND COSTS The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Ordinance and the Illinois Public Health And Safety Animal Population Control Act.

5.04 WHEN NOT REDEEMED BY THE OWNER, AGENT, OR CARETAKER

A dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats 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. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been rendered incapable of reproduction and micro chipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including micro chipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter.

CHAPTER VI **DOGS OR OTHER ANIMAL** **BITES**

6.01 DOG OR OTHER ANIMAL BITES; OBSERVATION OF ANIMAL.

A. Except as otherwise provided in subsection B of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy

Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may permit such confinement to be reduced to a period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section shall be borne by the owner. The owner of a biting animal must also remit a public safety fine within 30 days after notice in the amount indicated in the Fee Schedule Attachment A to this Ordinance.

B. When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a

police vehicle, or remaining under the constant supervision of its police handler.

**CHAPTER
VII
VICIOUS
DOGS**

7.01 DETERMINING A DOG TO BE VICIOUS 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 of the Department 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. Subject to the ultimate determination by the circuit court as provided herein, a dog will be deemed Vicious by the Administrator after 3 times being determined Dangerous or if such animal causes serious bodily injury or death.

7.02 JUSTIFIED CONDUCT A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

(1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;

(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;
or

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

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

7.03 DOG FOUND TO BE VICIOUS If a dog is found to be a vicious dog, the owner shall pay a public safety fine in the amount indicated in the attached Fee Schedule Attachment A to this Ordinance, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and micro chipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay an additional fine plus impoundment fees to the animal control agency impounding the dog as indicated in the Fee Schedule Attachment A to this Ordinance. The judge has the discretion to order a vicious dog be euthanized. 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.

7.04 ENCLOSURE REQUIRED It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The enclosure for a dog found to be a vicious dog shall be a 6' enclosure approved as required pursuant to 7.03 above. The only times that a vicious dog may be allowed out of the enclosure are:

(1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that, in all cases, the dog is securely muzzled and restrained with a leash not exceeding 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

A 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.

B. 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.

C. 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.

D. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of the Act. 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.

E. 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.

F. 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.

G. 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.

CHAPTER VIII
DANGEROUS
DOGS

8.01 DANGEROUS DOG DETERMINATION.

A 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.

B. A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(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;

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

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

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

C. Testimony of a certified applied behaviorist, a board certified veterinary

behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

D. If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay fines as indicated in the Fee Schedule Attachment A to this Ordinance, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and micro chipped, 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:

(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

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

E. The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

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

G. An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Ordinance.

CHAPTER IX VIOLATIONS

9.01 Any person violating or aiding in or abetting the violation of any provision of this Ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Ordinance, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, shall be subject to such fines as set forth in Fee Schedule Attachment A to this Ordinance and is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. The State's Attorney shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

9.02 If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and

(2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and

the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be; the owner shall be guilty of a Class 4 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

H. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

CHAPTER X PENALTIES

10.01 ISSUANCE OF CITATIONS TO PERSONS IN VIOLATION

- A. Animal control officers, and others specifically designated by the County, are authorized to issue citations on a reasonable belief that any person has violated any provisions of this Ordinance.
- 8. Citations shall be issued on forms approved by the County.
- C. Citations shall be issued personally to the violator; left with a responsible family member at the home of the violator; or mailed, certified mail, return receipt requested, postage fully prepaid to the residence of the violator.
- D. Persons issuing citations shall ensure that a copy of the citation is filed at the Circuit Clerk's Office as soon as practical after issuance of such citation.
- E. In addition to any fines or fees applicable for a violation of this Ordinance as specified in a citation, the person cited shall also be liable for any assessments required to be collected by the Circuit Clerk's Office under applicable State law in connection with such citation.

10.02 PAYMENT TO AVOID PROSECUTION On receipt, a citation alleging a violation of any section of this Ordinance, the violation fine may be paid at the Circuit Clerk's Office provided that the said amount is paid by the date allowed on the citation in the amount set forth in the Fee Schedule Attachment A to this Ordinance.

10.03 PROSECUTION OF VIOLATIONS After the due date of the citation, action may be taken by the State's Attorney for file a complaint and prosecute the alleged violation in the Circuit Court, if the recipient has failed to appear or if the recipient fails to comply with any portion of the hearing.

- I. 10.04 PENALTY Any person convicted by the Circuit Court of violating any section of this Ordinance, shall be fined in accordance with this Ordinance, as amended from time to time, unless a different fine is provided under State Law.

CHAPTER XI
ANIMAL
CONTROL FUND

11.01 REMITTANCE OF FEES: ANIMAL CONTROL FUND: USE OF FUNDS

J. All fees collected at the County animal control facility shall be remitted to the County Treasurer for the account of the Animal Control Fund. All fines and fees for a violation of this Ordinance collected by the Circuit Clerk in connection with the issuance of a citation shall be remitted to the County Treasurer for the account of the Animal Control Fund, except that assessments required to be collected by the Circuit Clerk's Office under applicable State law in connection with such citation shall be applied by the Circuit Clerk in accordance with such State law.

CHAPTER XII
KILLING, TREATMENT, KEEPING AND DISPOSAL OF
ANIMALS

12.01 KILLING OR ATTACKING ANIMALS

- A. No person shall kill or wound or attempt to kill or wound by the use of firearms, sling shot, bow and arrow, B-B gun air rifle, or any other dangerous weapon, any animal within the County, provided that this Section shall not prohibit a person from defending himself or another from attack by an animal. Police and animal control officers may use weapons to destroy animals which are seriously injured to avoid unnecessary suffering or in self defense or defense of others or property.
- B. No person shall cruelly work any old, maimed, injured, sick or disabled animal or cause or knowingly allow the same to be done.
- C. No person shall fail to provide any animal in one's charge or custody, as owner or keeper, with proper food, drink, shelter, air sanitation or medical care.
- D. No person shall abandon any animal without making provisions for its care and feeding.

12.02 ANIMAL FIGHTING No person shall use or keep animals or be in any way connected with the management of any place kept or used for the purpose of fighting or baiting any dogs, cocks or other animals or permit such place to be

kept or used on premises owned or controlled by such persons.

12.03 DEAD ANIMALS

- A. The owner or keeper of an animal shall be responsible for the disposal of such animal's remains on its death, from whatever cause, and regardless of the location of the remains of such animal.
- B. Animal remains shall be disposed of as follows:
 - 1. By burial beneath at least 18 inches of compacted soil on the property of the animal's owner or keeper or any other location, with the express permission of the owner of the property;
 - 2. By or through a licensed veterinarian; or
 - 3. By or through the animal control officer.
- C. Animal Control officers may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of any animal as prescribed herein. Such persons shall have 24 hours from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at his usual place of abode with some responsible person of the family and informing that person of the contents thereof.
- D. The County may dispose of any animal remains without notice to the owner or keeper when:
 - 1. Such remains are located on a public roadway or public property, or pose a public health problem.
 - 2. The remains bear no owner identification tags as required by this Ordinance.
 - 3. The remains are located on the property of a person other than the owner or keeper.
 - 4. Service of a notice on the owner or keeper is refused or not readily possible within a short time.

12.04 INJURED ANIMALS: ANIMALS FOUND DEAD ON PUBLIC WAYS

- A. Any animal not wearing owner identification and/or inoculation tags discovered injured on a public way of this County shall be removed by the County Animal Control Officer and impounded in the Christian County Animal Pound and forthwith euthanized to avoid unnecessary suffering to the animal.
 - B. Seriously injured animals which are wearing owner identification tags and/or inoculation tags, will be taken to the Christian County Animal Pound. The owner shall be contacted for treatment instructions and the Christian County Animal Control Officer shall maintain the animal painlessly, if possible, until instructions are received. The owner or keeper shall be responsible for the costs of this private impoundment and treatment.
 - C. No animal shall be released by a veterinarian from impoundment to the owner or keeper following treatment of an injury until a receipt is received from the County showing payment of impoundment fees.
- K. DISPOSITION OF ANIMALS Any dog or other animal, except animals bearing owner identification or inoculation tags, impounded pursuant to the provisions of this Ordinance, not redeemed within seven calendar days, shall be humanely destroyed or otherwise disposed of. Any dog validly licensed or with owner identification tags and impounded pursuant to the provisions of this Ordinance, not redeemed within seven calendar days, shall be humanely destroyed or otherwise disposed of.

CHAPTER XIII

RIGHTS, HEARINGS, EVIDENCE COMPLAINTS HEARING ON CITATIONS

13.01 APPEARANCE On receipt of any citation, the recipient shall appear at the office of the Circuit Clerk within the time allowed by such citation.

13.02 HEARINGS For all persons who enter an appearance of not guilty, a hearing shall be scheduled by the Circuit Clerk before a Circuit Judge. No formal rules of evidence shall apply and all relevant evidence shall be considered in reaching a determination by the Circuit Court. A record of each decision shall be rendered and

available for review. Should the Judge decide that the violation occurred by a preponderance of the available evidence, the amount then owing will be determined by the Court.

13.03 ACTION ON FAILURE TO APPEAR Should the recipient of a citation fail to appear or comply with the provisions of this Section, a complaint may be filed. In addition, should an animal owned by a person who has failed to appear or comply with the hearing process for any citation be impounded, it shall not be released until payment or arrangements for payment of all previous citations is made as well as the impoundment fees due for the impoundment.

**CHAPTER
XIV
MISCELLANEOUS**

14.01 LIABILITY OF OWNER OF DOG ATTACKING OR INJURING PERSON If a dog or other animal, without provocation, attacks or injures any person who is peaceable conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained.

14.02 KILLING OF DOG SEEN TO INJURE, WOUND OR KILL DOMESTIC ANIMALS

Any owner seeing his sheep, goats, cattle, horses, mules, swine or poultry 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, provided, that the pursuit and killing of said dog is of no danger to the general public and discharge of any firearm used is not in violation of the Illinois State Laws.

14.03 LIABILITY OF DOG OWNER: DAMAGE CAUSED TO SHEEP, GOATS, CATTLE, HORSES, MULES, POULTRY OR SWINE The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring or killing any sheep, goats, cattle, horses, mules, poultry or swine belonging to that person.

14.04 POWER OF MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS TO REGULATE DOGS AND CATS AND OTHER ANIMALS Nothing in the Act 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 the Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats, or other animals in such municipality or other political subdivision including a requirement of inoculation

against rabies.

14.05 STATE LAW ALSO APPLICABLE Nothing herein shall prevent the State's Attorney of Christian County from enforcing those laws existing under Illinois Law.

This Ordinance is to replace in full any existing Animal Control Ordinance.

Passed this 17th day of October, 2023.



Bryan Sharp, Christian County Chairman

ATTEST:



Jodie Badman, Christian County Clerk & Recorder

10/17/2023

Date

FEE SCHEDULE ATTACHMENT A TO ANIMAL CONTROL ORDINANCE

THE FOLLOWING FEES ARE HEREBY SET AND APPLY TO THE ANIMAL CONTROL ORDINANCE AS PROVIDED BY STATE LAW AND COUNTY ORDINANCE AND ARE SUBJECT TO CHANGE IN THE FUTURE AS REQUIRED BY CHANGES IN STATE LAW AND EXPENSE OF OPERATION:

ADOPTION FEES (effective 5/1/2020)

\$ 40.00 CATS
\$125.00 DOGS

RABIES TAG FEES (3.01)

\$10.00-1 YEAR TAG (SPAYED/NEUTERED ANIMAL)
\$20.00-1 YEAR TAG (INTACT ANIMAL)
\$30.00-3 YEAR TAG (SPAYED/NEUTERED ANIMAL)
\$60.00- 3 YEAR TAG (INTACT ANIMAL)

DOGS RUNNING AT LARGE (4.05(A))

First Offense:

\$25.00	Public Safety Fine
\$25.00	Pick Up Fee (if applicable)
\$75.00	Fee for running at large
\$75.00	Fee if not micro-chipped within 30 days of retrieval from impoundment
\$75.00	Fee if not current on rabies vaccination
\$250.00	Dumping fee (if applicable)

In addition to these amounts, an amount equal to the Redemption Fee to be paid for each day of impoundment as described in 5.02 of this Fee Schedule.

Animal must be microchipped at owner's expense within 30 days of retrieval from impoundment by owner which must be verified with paperwork and

official scanning of the animal.

Second Offense:

\$25.00	Public Safety Fine
\$50.00	Pick Up Fee (if applicable)
\$75.00	Fee for running at large
\$75.00	Fee if not current on Rabies Vaccination
\$75.00	Fee if not micro-chipped
\$75.00	Fee if not spayed/neutered within 30 days of retrieval

from impoundment

In addition to these amounts, an amount equal to the Redemption Fee to be paid for each day of impoundment as described in 5.02 of this Fee Schedule.

By State law the animal must be spayed/neutered at the owner's expense within 30 days of retrieval from impound by owner.

Third (and any additional) Offense:

\$25.00	Public Safety Fine
\$100.00	Pick Up Fee (if applicable)
\$75.00	Fee for running at large
\$75.00	Fee if not current on Rabies Vaccination
\$75.00	Fee if not micro-chipped
\$75.00	Fee if not spayed/neutered

In addition to these amounts, an amount equal to the Redemption Fee to be paid for each day of impoundment as described in 5.02 of this Fee Schedule.

ABANDONMENT 4.05(B))

\$250.00	Fine for Illegal Dumping of Animal
Up to \$1000	Fine for cruelty to animal as determined by the Animal Control Warden
\$75.00	Fee if not current on Rabies Vaccination
\$75.00	Fee if not micro-chipped
\$75.00	Fee if not spayed/neutered

In addition to these amounts, an amount equal to the Impound Fee to be paid for each day of impoundment as described in 5.02 of this Fee Schedule.

REDEMPTION FEES (5.02)

\$25.00 FEE FOR 1st DAY OF IMPOUNDMENT

\$15.00 FEE FOR EACH ADDITIONAL DAY OF IMPOUNDMENT

DOG OR OTHER ANIMAL BITES (6.01)

Bite Fee Schedule

\$75.00	Fee for running at large (if applicable)
\$75.00	Fee for bite
\$25.00	Public Safety Fine
\$75.00	Fee if not current on rabies vaccination
\$75.00	Fee if animal not microchipped (if applicable)
\$75.00	Fee if not spayed/neutered (if applicable)

DOG FOUND TO BE VICIOUS (7.03)

\$100.00	Public Safety Fine
\$500.00	Fine for failure to comply (if applicable)
\$75.00	Fee if not current on rabies vaccination
\$75.00	Fee if animal not microchipped within 10 days of determination
\$75.00	Fee if animal not spayed/neutered within 10 days of determination

Animal must be microchipped and spayed/neutered at owner's expense within 10 days of determination.

DANGEROUS DOG DETERMINATION (8.01)

\$75.00	Fee for dangerous animal
\$75.00	Fee for running at large (if applicable)
\$50.00	Public Safety Fine
\$75.00	Fee if not current on rabies vaccination
\$75.00	Fee if animal not microchipped within 14 days of determination
\$75.00	Fee if animal not spayed/neutered within 14 days of determination

Animal must be microchipped and spayed/neutered at owner's expense within 14 days of determination.

VIOLATIONS

Except as otherwise specified herein, a public safety fine shall be levied for any violation of this Ordinance in an amount not to exceed \$500.