



**BOARD ACTION REQUEST FORM**

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**SECTION 1: PURPOSE**

The BOARD ACTION REQUEST FORM is designed to 1) enhance the orderly and efficient conduct of Committee and Board meetings; 2) serve as prior notice to all interested parties; 3) aid the Committee Chairs in meeting preparation; 4) provide the Departments with a mechanism for formal communication with the Board; and 5) aid in the creation of the official record of the meeting.

To request an item be added to a committee agenda, submit the completed FORM and all supporting documentation to the applicable Committee Chair for consideration at least 5 days prior to the meeting date/time.

**SECTION 2: OVERVIEW**

Subject: \_\_\_\_\_ Requested by: \_\_\_\_\_

To Committee(s): \_\_\_\_\_ Meeting Date(s) \_\_\_\_\_

Action Requested (Select One):      Motion      Resolution      Ordinance      Contract Approval

Executive Session    YES    NO   5 ILCS 120/2(c) Exception: \_\_\_\_\_

Requestor's Recommended Action:

**SECTION 3: PROPOSAL**

*Describe the action requested, including relevant background information, applicable statutory references, potential impact to the County and/or any other departments, and the proposed implementation timeline. Attach additional pages if needed.*

**SECTION 4: FINANCIAL IMPACT**

*Provide specific financial details including revenue or expenses associated with the request and if this is a one-time or recurring expense. If this is an unanticipated (unbudgeted) expense, explain the catalyst for the request. Attach relevant documents such as revenue/expense projections or vendor bids/quotes.*

Budgetary Status (check all that apply):      Cost of Proposed Action: \_\_\_\_\_

\_\_\_\_ This action has no budgetary implications.

\_\_\_\_ Funds are available in this FY budget. Line-item Description/Number \_\_\_\_\_

\_\_\_\_ Funds are not budgeted in this FY. Proposed funding source: \_\_\_\_\_

\_\_\_\_ If approved, funds will be requested for this action in next year's budget.

\_\_\_\_ This action will bring in additional revenue of \$\_\_\_\_\_ Line-item \_\_\_\_\_

\_\_\_\_ This action will reduce expenditures and/or be budget neutral.

- 5-1-4 PUTTING STATE LAW INTO ORDINANCE- THIS WOULD ALLOW US TO USE COUNTY ORDINANCE VS CRIMINAL MISDEMEANOR CHARGES
- 5-1-5
  - CREATES A STANDARD OF PRACTICE FOR ALL VET CLINICS WHICH WILL HELP SPEED UP THE PROCESS OF GETTING THE INFORMATION TO US IN A TIMELY MANNER
  - CREATES A STANDARD FOR PET OWNERS TO REGISTER THEIR ANIMALS WHEN ADOPTING, BUYING AN ANIMAL AS WELL AS SELLING/GIVING AWAY AN ANIMAL
- 5-1-7 PUTTING STATE LAW INTO ORDINANCE AND SETTING EXPECTATIONS FOR FOUND ANIMALS
- 5-1-13 – ADDED LANGUAGE FOR DOGS DEEMED DANGEROUS/ VICIOUS TO PROTECT PUBLIC SAFETY
  - ADDING SIGNAGE FOR DANGEROUS/ VICIOUS DOGS-OWNERS WOULD NEED A SIGN AT EACH ENTRY DOOR AND/OR FENCE GATES
  - ADDING REASONABLE RESTRICTIONS ON DOGS DEEMED DANGEROUS/VICIOUS ABOVE WHAT STATE LAW REQUIRES
- 5-1-15 ADDED ORDINANCE SIMILAR TO STATE LAW
- 5-1-16 ADDING FROM STATE LAW
- 5-1-17
  - ADOPTS STATE LAW (HUMANE CARE FOR ANIMALS ACT) WITH ADDITIONS TO FILL IN GAPS IN THE STATE LAW
  - ALLOWS FOR A VIOLATION OF COUNTY ORDINANCE IF AN ANIMAL IS NOT PICKED UP FROM IMPOUND
- 5-1-18 ADOPTS STATE LAW REGARDING HOARDING VIOLATIONS
- 5-1-19 ADDS THE ABILITY TO DECLARE A DOG A NUISANCE
- 5-1-20 ADDS THE ABILITY TO DELCARE AN OWNER A NUISANCE
- 5-1-21 PROHIBITS DOG OWNER’S FROM ALLOWING PETS TO RIDE UNSECURED IN PICKUPS AND UTV/ATV
- 5-1-22 ADOPTS STATE LAW
- 5-1-23 ADOPTS STATE LAW
- 5-1-24 SET STANDARDS FOR BREEDERS REGARDING LITTERS
- 5-1-25 ADDED ANNUAL PERMITS AND REQUIREMENTS FOR BREEDERS
- 5-1-26 ADOPTS STATE LAW
- 5-1-27 ADDING REQUIREMENTS FOR FOSTER HOMES
- 5-1-28 REFERENCING STATE LICENSED TRAPPERS SINCE ANIMAL CONTROL DOES NOT CAPTURE OR REMOVE WILDLIFE
- 5-1-29 CAT TRAPPING REQUIREMENTS
- 5-1-30 BARN CAT REQUIREMENTS
- 5-1-31 REVOCATION OF BARN/FERAL CAT PERMIT
- 5-1-32 ADOPTION OF STATE LAW
- 5-1-33 NOT HOLDING LEE COUNTY RESPONSIBLE WHILE ENFORCING ORDINANCES
- 5-1-34 SETS STANDARDS FOR ISSUING CITATIONS
- 5-1-35 POTENTIALLY LIMITS CASES GOING TO COURTHOUSE

**LEE COUNTY ANIMAL CONTROL**  
**PROPOSED ORDINANCE CHANGES**  
**APRIL 2022**

**5-1-1 POLICY AND PURPOSE**

The purpose of this ordinance is to provide protection for the people of Lee County, to ensure their health, safety, and welfare, and to provide harmonious relationships between people and animals by:

- A. Protecting the resident of Lee County from rabies by implementing preventative and control measures as may be deemed necessary;
- B. Providing security to residents from annoyance, intimidation, and injury from dogs and other animals;
- C. Protecting animals from improper use, abuse, neglect, inhumane treatment, and health hazards;
- D. Encouraging responsible pet ownership;
- E. Educating the public on rabies and other related issues;
- F. Providing the assessment of penalties for violations and for the enforcement and administration of 510 ILCS 5/1 (Illinois Animal Control Act), 510 ILCS 70/3 (Humane Care for Animals Act), and this Ordinance.

**5-1-2 COVERAGE AREA**

Lee County Animal Control provides animal control services to the unincorporated areas of Lee County and to municipalities that contract with Lee County Animal Control for animal control services.

**5-1-3 – DEFINITIONS**

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

**ANIMAL CONTROL ACT:** The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

**ADEQUATE CARE:** Shall include but not be limited to medical treatment for illness, injury, disease, excessive parasitism, or any malformations.

**ADEQUATE FOOD:** Means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices.

**ADEQUATE WATER:** Means fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water.

**ADEQUATE SHELTER:** means a moisture proof structure which has 4 sides, a roof, floor, and bedding of suitable size to allow the pet to stand up, lie down, and turn around in a natural position and allow retention of body heat, made of durable material with a solid floor raised at least two inches (2") from the ground and with the entrance protected from direct wind and rain. The shelter shall be placed to provide shade from the sun and protection from the weather.

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

**ADMINISTRATOR:** The administrator of Lee County Animal Control who has control over the animal control warden or deputy administrators. Pursuant to section 3 of the Illinois Animal Control Act the administrator is appointed by the County Board Chair with the consent of the County Board.

*State Law reference – Similar provisions, 510 ILCS 5/2.01*

**ANIMAL:** Any animal, other than man, which may be affected by rabies

*State Law reference – Similar provisions, 510 ILCS 5/2.02*

**ANIMAL CONTROL FACILITY, COUNTY POUND:** Any facility approved by the administrator for the purpose of enforcing the Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs.

*State Law reference – Similar provisions, 510 ILCS 5/2.18*

**ANIMAL CONTROL OFFICER:** Persons appointed by the administrator in such number as authorized by the county board to perform duties assigned by the administrator set forth in this chapter.

*State Law reference – Similar provisions, 510 ILCS 5/2.03*

**ANIMAL CONTROL WARDEN:** Any person appointed by the administrator to perform the duties set forth in the Animal Control Act

**BEDDING:** Material that will provide warmth and comfort that can be disposed of when compromised by weather, such as straw or wood shavings. Blankets are not acceptable forms of bedding.

**BREEDER:** means a person or entity who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he or she has produced and raised. A person who owns, has possession of, or harbors 3 or more unaltered dogs or cats over 9 months of age of the same species. Any person who produces and raises 2 or more litters per year. Any individual or business entity duly recognized by the Illinois Department of Agriculture

**CARETAKER/KEEPER:** Any individual, kennel operator, training facility, boarding facility, or breeder who assumes care of an animal for a period of 24 hours or more.

**CAT:** All domestic members of the feline family Felis Catus

**COMPANION ANIMAL:** Means an animal that is commonly considered to be, or is considered by the owner to be, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

*State law reference- similar provisions 510 ILCS 70/2.01a*

**CONFINED:** The restriction of an 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.

*State Law reference – Similar provisions, 510 ILCS 5/2.05*

**DANGEROUS DOG:** Any individual dog anywhere other than upon the property of the owner or custodian of the dog and not muzzled, not leashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or a dog that, without justification, bites a person and does not cause serious physical injury. *State Law reference – Similar provisions, 510 ILCS 5/2.05A*

**DEPARTMENT:** The Department of Agriculture of the State of Illinois

*State Law reference – Similar provisions 510 ILCS 5/2.06*

**DEPUTY ADMINISTRATOR:** A veterinarian licensed by the State of Illinois, appointed by the Administrator.

*State Law reference – Similar provisions 510 ILCS 5/2.07*

**DIRECTOR:** The director of the department of agriculture of the state, or his duly appointed representative.

*State Law reference – Similar provisions 510 ILCS 5/2.08*

**DOG:** All domestic members of the canine family Canis familiaris.

*State Law reference – Similar provisions 510 ILCS 5/2.11*

**FERAL CAT:** A cat that (i) is born of 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

*State Law reference--Similar Provision, (510 ILCS 5/2.11b)*

**FOSTER HOME:** means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter or animal control facility, not to exceed 4 foster animals or 2 litters less than 8 weeks of age at any given time. A written agreement to operate as a "foster home" shall be contracted with the animal shelter or animal control facility.

*State Law reference- similar provisions 225 ILCS 605/2*

**HAS BEEN BITTEN:** Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. The phrase further includes contact of saliva with any break or abrasion of the skin.

*State Law reference – Similar provision, 510 ILCS 5/2.12*

**HUMANE CARE FOR ANIMALS ACT:** The Humane Care for Animals Act, 510 ILCS 70/1 through 70/3, as amended.

**IMPOUNDED:** Taken into custody by Lee County Animal Control in the city, town, or county where the animal was found.

*State Law reference- similar provision (510 ILCS 5/2.12a)*

**INOCULATIONS AGAINST RABIES:** The injection of an antirabies vaccine approved by the department.

*State Law provisions – Similar provisions 510 ILCS 5/2.13*

**INTACT ANIMAL; UNALTERED ANIMAL:** Means an animal that has not been spayed or neutered.

*State law provisions-similar provisions (510 ILCS 5/2.11c)*

**KITTEN:** All members of the feline family *Felis Catus*, whether male or female, under four (4) months of age.

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

*State Law reference – Similar provisions, 510 ILCS 5/2.14*

**OWNER:** 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 domestic animal to remain on or about any premises occupied by him. “Owner” does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program approved by the Administrator.

*State Law reference – Similar provisions, 510 ILCS 5/2.16*

**PHYSICAL INJURY:** The impairment of physical condition.

*State Law reference – Similar provisions, 510 ILCS 5/2.18A*

**POTENTIALLY DANGEROUS DOG:** (i) A dog that is unsupervised and found running at large unsupervised with three (3) or more other dogs or (ii) any dog, while off the property of its owner and not under the owner’s restraint that has bitten a companion animal or a human and does not cause serious injury or death on more than one occasion.

*State Law reference – Similar provisions, 510 ILCS 5/2.17C*

**PUPPY:** All members of the canine family *Canis familiaris*, whether male or female, under four (4) months of age.

**RECKLESS DOG OWNER:** "Reckless dog owner" means a person who owns a dog that while anywhere other than upon the property of the owner, and without justification, kills another dog that results in that dog being deemed a dangerous dog under Section 15.1 of the Animal Control Act and who knowingly allows the dog to violate Section 9 of the Animal Control Act on 2 occasions within 12 months of the incident for which the dog was deemed dangerous or is involved in another incident that results in the dog being deemed dangerous on a second occasion within 24 months of the original dangerous determination.

*State Law reference- similar provision 510 ILCS 5/2.18b*

**REGISTRATION CERTIFICATE; INNOCULATION CERTIFICATE; RABIES**

**CERTIFICATE:** A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this Act. The certificate must include the animal’s species, name, breed, sex, color, identifying markers, age, weight, and microchip number (if applicable). The certificate must also include the animal owner’s physical address. Any cat considered feral shall be marked “ear-tipped” on the certificate.

*State Law reference – Similar provisions 510 ILCS 5/2.19*

**RESTRAINT:** An owned animal, off the premises of its owner’s real property, is under restraint within the meaning of this chapter:

- i) If it is controlled by the line or leash not more than six (6) feet in length when said line or leash is held by a competent person;

- ii) Controlled by a leash of fifty (50) feet or less during a training session conducted by a competent person;
- iii) When within a vehicle being driven, parked, or stopped; or
- iiii) While utilized in the sport of hunting.

**SECURE ENCLOSURE:** A fence or structure of at least six (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 which may be taken by the owner or keeper, such as tethering of a 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. Such enclosure must be approved by the administrator. 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.

*State Law reference – Similar Provisions, 510 ILCS 5/2.11A*

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

*State Law reference – Similar provisions, 510 ILCS 5/2.19A*

**STRAYING ANIMAL:** any dog or cat that is in a public place and not under the direct supervision of a keeper which has no indication of ownership such as a collar, county registration tax tag, name tag, microchip, or any other identifiers.

**STRAYING DOG OR CAT; RUNNING AT LARGE:** Any dog shall be deemed to be at large where it is off the premises of its owner’s real property and not restrained or under voice control by a competent person.

**TETHERING:** To restrain a dog by tying the dog to any object or structure, including, without limitation, a house, tree, fence, post, garage, shed, (or) clothes line by any means, including, without limitation, a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

**TOW CHAIN OR LOG CHAIN:** any chain that is more than one-quarter of an inch in width.

**VICIOUS DOG:** A dog that bites a person, attacks a person or causes physical injury, serious physical injury or death or any individual dog that has been found to be a “dangerous dog”

upon three (3) separate occasions or any individual dog that has killed a companion animal while off the premises of its owner.

*State Law reference – Similar provisions, 510 ILCS 5/2.19b*

**VOICE CONTROL:** The immediate recall of an animal at the sound of the voice of the owner.

#### **5-1-4 RABIES CONTROL**

- A. Dog or Cat Bites: Proceedings against the Owner: On all reported dog or cat bites, proceeding will be initiated against the animal's owner by the administrator or deputy administrators pursuant to 510 ILCS 5/13: Dog or Other Animal bites; Observation of Animal.
- B. The owner of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the administrator, and shall promptly confine such dog or other animal, or have it confined under suitable observation for a period of at least ten (10) days unless officially authorized by the administrator in writing to release it sooner.
- C. Confinement of an animal that has bitten
  - i. When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator or his authorized representative, shall have that dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may, by regulation, permit the confinement to be reduced to a period of less than 10 days.
  - ii. The veterinarian shall report the clinical condition of the dog or other animal immediately with confirmation in writing to the Administrator within 24 hours 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 the dog or other animal, on appropriate forms approved by the Department.
  - iii. When evidence is presented that the 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 10 days, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory.
  - iv. At the end of the confinement period, the dog or other animal shall be examined by the Administrator, or another licensed veterinarian. At the time of release from observation, the animal must be microchipped and such number be reported to animal control.

- D. It is unlawful for any person having knowledge that any person or domestic animal has been bitten by a dog or other animal to refuse to notify the administrator immediately. 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 administrator or his authorized representative. For the purpose of this section, the word “immediately” means by telephone, in person, or by some other means but does not include the use of the mail.
- E. Any expense in the handling of a dog, or any other animal under this section shall be paid for by the owner.
- F. Any person convicted of violating 510 ILCS 5/13 subsection (a-20) of The Animal Control Act is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation is a Class 4 felony.  
*State Law reference – Similar provisions 510 ILCS 5/12, 510 ILCS 5/13*

#### **5-1-5 RABIES INNOCULATION & REGISTRATION**

- A. Vaccination and Registration: All dogs and cats four (4) months of age or older, and all feral cats presented to a licensed veterinarian for sterilization, unless the person presenting the feral cat for care provides a vaccination certificate showing the feral cat has been vaccinated against rabies, will be properly vaccinated against rabies by a licensed veterinarian. At the time of vaccination, registration certificates will be completed by the veterinarian and forwarded to the Lee County Animal Control. *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 county 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.*
  - i. Registration certificates must include; the animal’s species, name, breed, sex, color, identifying markers, age, weight, and microchip number (if applicable). The certificate must also include the animal owner’s name and physical address. Certificates that are not complete will not be honored as valid certificates.
- B. Registration Fees: Registration fees shall be collected at the time of the inoculation by the veterinarian who inoculates the dog or cat. If the registration fees are not collected by the veterinarian at the time of inoculation it is the responsibility of the owner to provide documentation of the vaccination and remit payment of the registration fees to Lee County Animal Control within 10 business days from the date of inoculation.
  - i. Veterinarians authorized to collect registration fees and distribute inoculation tags on behalf of the county must remit all certificates of those animals inoculated along with all monies due to Lee County Animal Control no later than the 5th of every month following the month of inoculation. A veterinarian clinic inoculating

more than 40 animals a month must remit certificates and monies due no later than the 5<sup>th</sup> and the 20<sup>th</sup> of each month.

- ii. Veterinarians not authorized by the county to collect registration fees and distribute inoculation tags shall submit certificates of all animals inoculated no less than once every 14 calendar days.
- C. Senior Citizen Exemption: Persons sixty-five years of age or older shall be exempt from the rabies registration fees collected by the veterinarian for one dog and one cat per household.
- D. Three year Vaccination and Registration: If a dog or cat owner elects to have a three-year vaccination, a three-year registration fee will be collected at the time of registration by the veterinarian who vaccinates the dog or cat. If registration fees are not collected by the veterinarian at the time of vaccination, it is the responsibility of the owner to provide documentation of vaccination and remit payment of registration fees directly to Lee County Animal Control within ten (10) business days from the date of vaccination.
- E. Registration Fee Prices: The cost of registration shall be set forth in the fee schedule. Any animal owner who is over 30 days past due on either the vaccination or registration portion of the requirement shall pay double the registration fee.
- F. Valid rabies inoculation tags and certificates from other counties shall be honored while the animal is in transit or while the dog is being kept in the County for thirty (30) days or less. Any dog residing in the county for more than 30 days shall be registered with Lee County Animal Control.
- G. Any dog or cat owner who relocates to Lee County must submit proof of inoculation and pay the proper registration fees within 10 business days of said residency within Lee County. This section shall not apply to veterinary clinics, state licensed animal shelters, or state licensed boarding facilities.
  - i. A licensed foster home or a state licensed boarding facility must pay registration if the animal is within the county for more than 90 days. This is not to apply to veterinary clinics, or animals kept on the physical premises of a state licensed animal shelter.
- H. Any dog or cat owner within the county must notify Lee County Animal Control within 5 business days of any transfer of ownership of their dog or cat. The owner must provide the new owner's full name, address, and phone number.
- I. Any person in Lee County accepting ownership of any cat or dog over 4 months of age whether by adoption, person to person transfer, or purchase from a breeder must remit proof of inoculation and pay the required registration fees within 10 business days of such transfer.
- J. Exhibition of Certificate on Request – At any reasonable time upon request of any law enforcement officer or animal control officer, the owner, caretaker, or keeper of any dog and/or cat shall exhibit any current, valid certificate required under the provisions of this chapter, certifying the inoculation against rabies of any dog owned or kept by him. This

includes any animal being held in any foster home, training facility, boarding kennel, or breeding facility. This shall not apply to a state licensed animal shelter.

- K. Exemption from Inoculation: Pursuant to 510 ILCS 5/8 (g);(h) a licensed veterinarian may determine a companion animal should not receive a rabies vaccination. The exemption must be reported on a form approved by the Administrator and shall bear the identifying detail of said animal as well as the signature of the owner(s) and the veterinarian exempting the animal. Exemptions must be renewed one year from the date the exemption was issued, or the animal shall be vaccinated if able to receive the vaccine at that time. The owner of an exempted animal shall be required to pay the one year registration fee and a one year tag shall be issued.
- L. If an animal is not vaccinated for rabies and/or registered, such dog or cat may be impounded by the Administrator or his or her delegate and may be redeemed or disposed of in accordance with the provisions of this chapter. The owner of said animal will be responsible for all costs associated with the impoundment.

*State Law reference – Inoculation of dogs requires, 510 ILCS 5/8*

#### **5-1-6: PENALTY FOR FAULURE TO VACCINATE AND REGISTER**

Any person, who owns a dog or cat located in Lee County without proper rabies vaccination and registration pursuant to this section, shall be subject to a two-hundred dollar (\$200) fine for such violation. If the owner is in compliance before the first court appearance, the fine may be reduced to fifty dollars (\$50.00). If a second offense occurs, the fine will be doubled. Each day an animal is not vaccinated and registered may constitute a separate offense.

**State Law reference – Inoculation of dogs requires, 510 ILCS 5/8**

#### **5-1-7 ANIMALS RUNNING AT LARGE**

- A. Pursuant to Section 9 of the Animal Control Act, it is unlawful for any dog to run at large. Every owner of an animal shall contain such animal to the confines of the owner's real property or keep the animal under restraint or voice command at all times when it is off the premises of the owner's real property. No animal shall run at large. Any animal found running at large in the county may be apprehended and impounded at the animal control facility.
- B. The provisions of subsection (A) shall not apply to;
  - i. Dogs being used in hunting, field trials and under the control of the owner
  - ii. or handler; and
  - iii. Dog shows while on public lands set aside for those purposes;
  - iv. Dog parks;
  - v. Blood hounds or other dogs used for tracking in conjunction with police

- vi. activities;
  - vii. Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes
- C. To prevent a dog from running at large, all dogs must be under the control of a competent person who is at least 13 years of age AND must be physically able to control the dog.
- D. Possession Of Running At Large Animals:
- i. Owner Consent Required: It shall be unlawful for any person, without the knowledge and consent of the owner, to harbor, keep, care for, feed or allow to remain on their property any running at large animal for more than 24 (twenty-four) hours or immediately, on the next business day, whichever comes first, without first reporting such possession to Lee County Animal Control and providing his or her name, address, a description of the animal, and a statement of the circumstances under which possession of the animal was obtained.
  - ii. Surrender Required: It shall be unlawful for any person who obtains possession of a running at large animal to refuse to surrender such animal to an animal control officer when requested to do so.
  - iii. It shall be required for any person who finds an animal running at large and who takes possession of said animal to notify Lee County Animal Control within 24 hours if no owner can be ascertained.
  - iv. It shall be unlawful for any person to transport an animal found running at large in another county or state to retain possession of said animal for a period of more than 24 hours or immediately, on the next business day, whichever comes first, within Lee County without contacting both Lee County Animal Control and the agency who has jurisdiction where the animal was found.
  - v. Each day an individual fails to comply with this section will constitute a separate offense.
- E. Penalty: Failure to follow any part of this section will result in a fine no less than one hundred dollars (\$100.00), to increase in increments of fifty dollars (\$50.00) for each subsequent offense.

#### **5-1-8 NOTIFICATION OF IMPOUNDMENT**

When a dog or cat, with the exception of a feral cat, has been impounded, the administrator shall give written notice to the owner of the animal, if known. Such notice may be given by personal service, by leaving such notice on the main entrance of the residence of the last known address of the owner, or by certified mail to the last known address of the owner. The notice shall advise the owner that the redemption of the animal must occur no later than seven (7) business days from the impoundment of the animal. Testimony of the administrator or his/her authorized agent who

delivers or mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

### **5-1-9 REDEMPTION OF IMPOUNDED DOG OR CAT; FINES AND FEES**

- A. Upon receiving notice from the administrator or his authorized representative, it shall be the duty of the owner or delegate of such impounded dog or cat to immediately redeem same, unless such dog or cat has been impounded for:
  - i. Biting some person;
  - ii. Being afflicted with rabies;
  - iii. Being suspected of being afflicted with rabies; or
  - iv. Being a dangerous or vicious animal pursuant to this chapter
  - v. Being held as part of a suspected violation of The Humane Care for Animals Act or a violation of any section of the ordinances excluding 5-1-7
- B. If the owner of the impounded dog(s) or cat(s) desires to make redemption thereof, he shall redeem his animals within 7 business days (unless the animal is being held for reasons under 5-1-9A) of the date and time of impoundment, including weekends and holidays, by presenting to the animal control facility the following:
  - i. Proof of Vaccination and Registration. Dog or cat owner must present proof of current rabies vaccine, and registration, if applicable or
  - ii. Pay Vaccination and Registration: Dog or cat owner must pay for the rabies vaccination of the animal, and registration, if applicable, and
  - iii. Payment of Fines and Fees: A dog or cat owner must pay Lee County Animal Control all applicable impound fines and fees for the period the animal was impounded, until such time as the animal is either redeemed or relinquished by the owner. Fines and Fees include:
    - a. Apprehension or subsequent apprehension of the same straying dog
    - b. Daily boarding, feeding, and care of the animal
    - c. Other fines and fees mandated by the Animal Control Act, including, but not limited to veterinarian expenses, vaccination, and flea treatment.
    - d. Animals not redeemed by the owner in accordance with these provisions shall be offered for adoption or humanely euthanized as defined under the Animal Control Act.
- C. Failure to redeem an animal will result in a fine no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00) in accordance with 5-1-17 (D)

## **5-1-10 ADOPTION POLICY**

- A. A dog or cat that has been relinquished, or upon expiration of seven (7) days, including weekends and holidays from the date of impoundment, an unclaimed dog or cat which has been deemed suitable for adoption by the animal control facility, may be adopted by any person other than the owner upon payment to the animal control facility the adoption fee.
- B. The Administrator shall not adopt or release any dog or cat to anyone other than the owner unless or until the animal has been rendered incapable of reproduction and microchipped
- C. Pursuant to 225 ILCS 605/3.5 (Animal Welfare Act), the administrator shall provide to the adopter information to the best of the administrator's knowledge, on the animal offered for adoption, including the details of any vaccination or medical treatment received while in the possession of Lee County Animal Control.
- D. Lee County Animal Control shall not be responsible for the animal after adoption. There will be no guarantees or refunds with regards to adoptions and Lee County Animal Control will not accept an animal back once a period of seven (7) days has gone by since adoption.

## **5-1-11 POLICY ON EUTHANIZING**

- A. Ownership unknown: If a stray dog or cat is apprehended it shall be impounded for a period of seven (7) days. If unclaimed, the dog may be euthanized unless the administrator believes the animal could be adopted out. The administrator shall use professional and humane discretion in making the decision.
- B. Ownership Known: If the owner of a straying dog or cat is known and properly notified as provided for in the Animal Control Act, it will be impounded for seven (7) days, and if unclaimed may be euthanized unless the administrator believes the animal could be adopted out. The administrator shall use professional and humane discretion in making this decision,
- C. There shall be a fee assessed for euthanasia to any known dog or cat owner who has been notified that their animals has been apprehended by Lee County Animal Control, but fails to reclaim it.
- D. Owner relinquishment: If a dog or cat owner decides to relinquish ownership of the animal to the administrator, the administrator may euthanize the animal unless the administrator believes that it could be adopted. The administrator shall use professional and humane discretion in making this decision. The owner of the animal to be relinquished shall pay the ownership relinquish fee as stated in the fee schedule.

### **5-1-12 DISTURBING NOISES**

- A. Noise Prohibited: It shall be unlawful to keep or harbor a dog that barks and/or howls continuously for a period exceeding ten (10) minutes on the premises of any residence and/or business located within five hundred feet (500') of the premises of another residence and/or business within any unincorporated area of Lee County, outside the corporate limits of any city, village or town.
- B. Penalty: Any violation of this section shall be punishable by a fine of not less than twenty five dollars (\$25.00) not more than one hundred dollars (\$100.00). Subsequent offenses will be fined minimum of one hundred dollars (\$100.00) or maximum of two hundred dollars (\$200.00)

### **5-1-13 VICIOUS AND DANGEROUS DOGS**

Vicious and dangerous dogs shall be subject to regulations pursuant to and as provided in the Animal Control Act (510 ILCS 5/15 et.seq)

- A. In addition to 510 ILCS 5/15 et. Seq, all owners and/or keepers of any animal found to be dangerous or vicious, shall display in a prominent place of their premises a clearly visible sign which is to be purchased through Lee County Animal Control at a cost determined in the fee schedule. Any animal found to have been deemed dangerous or vicious prior to the passing of this ordinance shall also be required to purchase a sign. Sign(s) are required to be purchased initially then every three (3) years or when the sign cannot be read at a distance of fifty (50) feet. Sign(s) are required at each entrance of the home and/or all gates on a fence barrier. If the entrance to a home is within a gated fence, that entrance will be exempt from the sign requirement. Animals deemed vicious must also display a sign on the entrance to the secure enclosure.
  - i. Once the owner of a dog deemed dangerous no longer needs to display the sign due to moving out of the county or death of the dog, signs that are in good condition with no defects may be returned to Lee County Animal Control
- B. Any dog deemed dangerous or vicious in any other state or county may not be moved into Lee County without the express, written consent of the administrator, paying the required registration fees, and purchasing the required dangerous or vicious dog sign(s).
- C. Any owner of any dog deemed dangerous or vicious may not transfer, sell, or give away any dog deemed dangerous or vicious without first:
  - i. Contacting Lee County Animal Control a minimum of 72 hours before such transfer would take place
  - ii. Providing Lee County Animal Control with the name, address, and phone number of the new owner

- iii. Lee County Animal Control serving the new owner with a dangerous or vicious dog declaration and all conditions of housing a dangerous or vicious dog being met.
- D. When a dog is deemed dangerous the administrator may set forth reasonable restrictions to ensure the safety of the public including, but not limited to:
- i. The dog must be muzzled when outside the confines of the residence, even if on the property of the owner
  - ii. The dog must be tethered when outside, even if within the confines of a fenced area
  - iii. The dog may not be tethered in the front yard of a home.
  - iv. The dog must be secured while in transport while in a vehicle by a tether to a secure point within the vehicle.
- E. Any dog that is declared dangerous and is found running at large contrary to 510 ILCS 5/9 or Section 5-1-7 of this ordinance shall be impounded by Lee County Animal Control and the owner's rights will be relinquished.
- F. Any owner of a dangerous or vicious dog who moves premises shall notify Lee County Animal Control within 24 hours of said move.
- G. Dangerous dog – The county Animal Control office shall collect an additional annual registration fee of fifty dollars (\$50.00) for each dog that has been declared a dangerous dog under the Illinois Animal Control Act.
- H. Vicious Dog – The county Animal Control office shall collect an additional annual registration fee of one hundred dollars (\$100.00) for each dog that has been declared a vicious dog under the Illinois Animal Control Act.
- I. Any owner of a dog deemed dangerous or vicious shall not allow rabies inoculation to lapse. Any dog deemed dangerous or vicious and who does not have a current rabies inoculation will be subject to impoundment at Lee County Animal Control.
- J. Failure to comply with these requirements the Administrator shall order the dog impounded and the owner shall pay a fine of no less than one hundred dollars (\$100.00) and not to exceed three hundred dollars (\$300.00) fine plus impoundment fees payable to Lee County Animal Control.

#### **5-1-14 ASSISTANCE FEE**

There shall be a warden assistance fee for requesting the assistance of the Lee County Animal Control in tranquilizing and/or transporting an animal to the veterinarian. The fee shall be set forth in the fee schedule.

#### **5-1-15 POTENTIALLY DANGEROUS DOG**

- A. Potentially dangerous dog. A dog found running at large and unsupervised with 3 or more other dogs may be deemed a potentially dangerous dog by the animal control warden or administrator.
- B. Any dog that on two (2) separate occasions while off property and not under the owner's restraint or voice control bites another companion animal or human and does not cause serious bodily harm.
- C. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14 days of the dog being declared potentially dangerous. The designation of "potentially dangerous dog" shall expire 12 months after the most recent violation of this Section.
- D. Failure to comply with this Section will result in impoundment of the dog and/or a fine of no less than one hundred dollars (\$100.00) and no more than three hundred dollars (\$300.00)

*State Law Reference- similar provision (510 ILCS 5/15.4)*

#### **5-1-16 RECKLESS DOG OWNER**

The Administrator, State's Attorney, Director, or any citizen may file a complaint in circuit court to determine whether a person is a reckless dog owner. If an owner is determined to be a reckless dog owner by clear and convincing evidence, the court shall order the immediate impoundment and forfeiture of all dogs the reckless dog owner has a property right in. Forfeiture may be to any licensed shelter, rescue, or sanctuary. The court shall further prohibit the property right ownership of a dog by the person determined to be a reckless dog owner for a period of at least 12 months, but not more than 36 months for the first reckless dog owner determination.

- A. A dog's history during ownership by a person found to be a reckless dog owner shall not be considered conclusive of the dog's temperament and qualification for adoption or transfer. The dog's temperament shall be independently evaluated by a person qualified to conduct behavioral assessments and, if the dog is deemed adoptable, the receiving facility shall make a reasonable attempt to place the dog in another home, transfer the dog to rescue, or place the dog in a sanctuary.
- B. A person who refuses to forfeit a dog under this Section is in violation which carries a public safety fine of five hundred dollars (\$500.00) for each dog. The fine shall be deposited into the Pet Population Control Fund. Each day a person fails to comply with forfeiture or prohibition ordered under this Section shall constitute a separate offense.

*State law reference- similar provisions (510 ILCS 5/15.5)*

#### **5-1-17 HUMANE CARE FOR ANIMALS**

- A. No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
- B. No owner shall fail to provide his/her animal with:
  - i. Adequate Food
  - ii. Adequate Water
  - iii. Adequate Shelter: means a moisture proof structure which has 4 sides, a roof, floor, and bedding of suitable size to allow the pet to stand up, lie down, and turn around in a natural position and allow retention of body heat, made of durable material with a solid floor raised off the ground as to not allow water to pool in the structure and with the entrance protected from direct wind and rain. The shelter shall be placed to provide shade from the sun and protection from the weather.
  - iv. Adequate care: Regular and sufficient veterinary care to prevent suffering and maintain health.
  - v. No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
  - vi. A dog may not be left in a crate for an extended period of time that causes undue discomfort for the dog
  - vii. No animal may be confined in such a manner that it must lie in its' own excrement.
- C. Restrictions on tethering a dog: It shall be unlawful for an owner to tether a dog outdoors unless the following conditions are met:
  - i. A tethered dog must have access at all times to water, adequate shelter, and dry ground.
  - ii. If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water and shelter.
  - iii. A dog must be tethered in such a manner as to prevent injury, strangulation or entanglement, and the tether must be at least ten (10) feet long.
  - iv. The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.
  - v. No dog shall be tethered with a log chain or a tow chain.
  - vi. Tether may not exceed 1/8 of the weight of the dog being tethered
  - vii. No dog shall be tethered in such a manner so as to allow it to reach within five (5) feet on public property or public right-of-way, such as a sidewalk or street.

- viii. No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
- D. Abandonment of animal unlawful
  - i. No owner shall knowingly abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
  - ii. It is unlawful to surrender a person's own animal as a stray dog or cat or to present a dog or cat whose owner is known as an unknown dog or cat for the purpose of surrendering the animal.
  - iii. Any animal whose owner is known and does not reclaim said animal from impound or sign an owner relinquish form and pay the required fee is guilty of abandoning an animal.
  - iv. Any person in violation of this section shall be fined no less than two hundred fifty dollars (\$250.00) and no more than five hundred (\$500.00).

## **5-1-18 HOARDING**

- A. No person may possess, lodge, or maintain companion animals if such a person displays a general disregard for the conditions under which the animals are living, including, but not limited to, failing to provide all of the following to all of the companion animals in his care: adequate food, water, shelter, and care as set forth in the Illinois Humane Care for Animals Act.
- B. Upon conviction for companion animal hoarding, the court may order the person to do any or all of the following:
  - i. Be precluded from owning, harboring, or having custody or control of companion animals for a period of time that the court deems reasonable.
  - ii. Participate in available animal cruelty prevention program(s) or educational program(s), or both.
  - iii. Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
  - iv. Forfeit to county animal control animals that are the basis of conviction.
  - v. Sterilize the companion animals, with sterilization being mandatory upon a second violation.
  - vi. Pay appropriate fees and fines.
- C. Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than two hundred fifty dollars (\$250.00) or no more than five hundred dollars (\$500.00).

## **5-1-19 NUISANCE DOG**

- A. A dog may be declared a nuisance when any of the following conditions are met:
  - i. Any dog found to be at large six (6) or more times in a rolling calendar year.
    - a. Any citations issued by a municipal entity within the county shall count towards the number of times a dog has been at large.
    - b. Impoundment shall count against the number of times the dog has been at large
  - ii. Any dog whether alone or in a pack with other dogs, threatens, bites, attacks, or preys on human beings, game animals, domestic animals, or fowl
- B. A dog declared a nuisance must be turned over to Lee County Animal Control and the owner's rights will be relinquished.

## **5-1-20 NUISANCE DOG OWNER**

Excessive or habitual violations.

- A. When a pet owner has three 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 placed for adoption, or otherwise dispose of such animals in a humane manner.
- B. 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
- C. 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.

*State law reference 510 ILCS 5/2.16*

## **5-1-21 RESTRICTIONS OF ANIMALS IN A MOTOR VEHICLE**

- A. No owner of any animal may permit an animal to ride in an open bed pickup truck or other transport vehicle transported in a crate or similar structure that is secured to the vehicle in such a manner to prevent the animal from escaping, jumping from the vehicle, or being ejected. Any person violating this section will be subject to a fifty (\$50.00) fine, to increase by fifty dollars (\$50.00) for each subsequent offense.

- B. When an animal is being transported using all-terrain vehicles (ATV) or utility terrain vehicles (UTV) the animal must be secured to the vehicle with a tether of sufficient length to keep the animal within the confines of the vehicle.

### **5-1-22 INVESTIGATION AND IMPOUNDMENT OF SUSPECTED VIOLATIONS OF THE HUMANE CARE FOR ANIMALS ACT**

Upon receiving a complaint of a suspected violation of Section 70/3-70/3.03 of the Humane Care for Animal Act 510 ILCS 70/10, the animal control Administrator, or his or her authorized representative, or any law enforcement officer may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order. When the animal control Administrator finds that a violation of Sections 70/3-70/3.03 Of the Humane Care for Animal Act has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, the animal may be impounded. If impounded, the animal shall be impounded in a facility or at another location where the elements of good care as set forth in Section 3 of the Humane Care for Animals Act can be provided and where such animals shall be examined and treated by a licensed veterinarian or, if the animal is severely injured, diseased, or suffering, humanely euthanized. Any expense incurred in the impoundment shall become the responsibility of the owner of the animal.

### **5-1-23 DEAD ANIMALS PROHIBITED**

Lee County Animal Control adopts all regulations of the Illinois Dead Animal Disposal Act (225 ILCS Part 90, Section 90.110)

- 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:
  - i. By burial beneath at least 18 inches of compacted soil on the property of the animals' owner or keeper or any other location, with the express permission of the owner of the property;
  - ii. By cremation in a licensed crematorium; or
  - iii. By or through a licensed veterinarian.
- C. Animal control officers may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as prescribed herein. Such person 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 person of the family, of the age of 13 years or older and informing that person of the contents thereof.

- D. Any person found guilty of this section in shall pay a fine of not less than one hundred dollars (\$100.00), or more than three hundred dollars (\$300.00)

#### **5-1-24 BREEDING; LITTERS OF PUPPIES AND KITTENS**

- A. The owner of any female animal in heat (estrus) shall confine such animal in a building or secure enclosure and shall attend the animal in such a manner that such female animal cannot come into contact with a male of the same species except for planned breeding.
- B. No individual, breeder, or kennel operator, or business entity may sell, give away, or otherwise separate any puppy or kitten 8 weeks of age or younger from its mother or its littermates.
  - i. Separation from the mother can be done under the supervision of a licensed veterinarian when doing so is in the best interest of both the mother and the litter. The littermates must stay together until the age of 8 weeks.
- C. It shall be unlawful for any person, backyard breeder, breeder, or dog dealer who: Sell dogs, puppies, or breed a dog, offer a dog for breeding or stud purposes to do so without a breeding permit issued by the department. In order to receive a breeder permit, residents must complete a breeder permit application. The breeder application must be approved, and a permit issued by county animal control before anyone can breed a dog. Once the breeder application is submitted, county animal control will review it and, if approved, a breeder permit will be mailed to the applicant after 30 days. The breeder permit is good for one year from the date of issue and must be renewed annually. The permit is not transferable to another person. A one hundred dollar (\$100.00) annual fee must be paid in order to receive the permit. The fee may be reduced to twenty five dollars (\$25.00 ) if the breeder is licensed through the Illinois Department of Agriculture.
- D. Any person violating or aiding in the violation of any provision of this section, or resisting, obstructing, impeding the animal control authority or any authorized officer in enforcing this section, shall be fined no less than one hundred dollars (\$100.00) or no more than five hundred dollars (\$500.00) per occurrence.

#### **5-1-25 BREEDER ANNUAL PERMIT AND FEES**

- A. Breeder. Is an individual or business entity duly recognized and licensed by the Illinois Department of Agriculture; or is registered with Lee County Animal Control as an owner of three or more intact adult male and/or female dogs or cats; or any individual who produces two or more litters a year.
- B. Responsibilities. Dog and cat owners who are also breeders must be in full compliance with the county's animal control ordinance, including the rabies vaccination, registration and microchipping laws of this county and applicable state and federal regulations. Breeders must also obtain an annual breeder permit at a fee approved by the county board.
- C. Breeder permit requirements.
  - i. Failure to comply with an inspection request by the county animal control department or their duly authorized representative may result in any or all of the following:
    - a. The immediate suspension by the animal control administrator of the permit and the ability to breed.
    - b. Each day a person or business entity fails to comply constitutes a separate offense.
- D. The applicant for a breeder's permit shall not have been found guilty of more than three violations of the animal control ordinance within the previous three years from the date of application.
- E. The owner shall immediately notify the county animal control administrator or his/her designee of any change in the animals governed by the breeder permit including the rabies vaccination and registration required pursuant to this article.
- F. If a breeder is found to be guilty of any portion of any section of the County Ordinance three times, their permit will be immediately revoked and animals will be surrendered to animal control and they shall not own, possess, or harbor any dogs or cats for a period of three years.
- G. An applicant for a breeder permit shall provide proof that the premises is located in an area with proper zoning or have received a variance from the proper authority
- H. Holders of a breeder permit shall conform to the following requirements::
  - i. Inoculations and microchipping.
    - a. All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.
    - b. All dogs and cats must be microchipped pursuant to this article.
  - ii. Change in ownership information shall be made to the Lee County Animal Control Department.
  - iii. Humane care and treatment of animals by breeders.
    - a. All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter,

protection from the weather and sufficient veterinary care to prevent suffering.

- iv. Reporting requirements. All permitted breeders shall cooperate and provide information to the administrator including sales, adoptions, source, dispositions, number of litters, microchip numbers and ownership of dogs or cats, a minimum of one time annually by November 15 or the first business day if the 15th falls on the weekend or as requested by the county animal control department.
  - a. If the report is not filed a late fee of \$20 will be assessed on the 31st day past the report date and an additional fee of \$20 will be assessed for each additional 30-day period that the report remains unfiled.
  - b. If after six months there has been no report filed, the permit shall be suspended and all animals will be turned over to animal control.
  - c. All late fees must be paid in full before the breeder's permit is issued.
- I. The penalty for violating of any portion of this section shall be a minimum fine of fifty dollars (\$50.00) for the first offense and a minimum of one hundred dollars (\$100.00) for the second offense.

#### **5-1-26 LIVESTOCK RUNNING AT LARGE**

No person or owner of livestock shall allow livestock to run at large. All owners of livestock shall provide the necessary restraints to prevent such livestock from running at large. A notice of violation of this ordinance shall be given to the person or owner of the livestock running at large if known and a maximum of 24 hours may be granted in which to make the necessary corrections if the violation is an accidental occurrence and an investigation reveals no identifiable individual at fault. Violation of this section is a minimum fine of one hundred dollar (\$100.00) to increase by fifty dollar (\$50.00) with each subsequent offense.

*Similar State Provision 510 ILCS 55*

#### **5-1-27 FOSTER HOMES**

- A. It shall be unlawful for any person to operate as a foster home within the county without possessing the proper licenses pursuant to (225 ILCS 605/3.2) of the Animal Welfare Act.
- B. All licensed foster homes must remit a copy of their license to Lee County Animal Control
- C. All person's responsible for any animal in their possession as a foster home, must be able to produce a rabies certificate upon request of Lee County Animal Control

- D. It shall be unlawful for any person to present themselves as a foster home to another member of the public without holding the proper license to operate such home.
- E. Any violation of this section will result in a fine no less than fifty dollars (\$50.00) to increase by fifty dollars (\$50.00) for each subsequent offense

#### **5-1-28 NUISANCE WILDLIFE REMOVAL**

Any person wishing to remove nuisance wildlife from his or her property must obtain a license or permit from the Illinois Department of Natural Resources or hire a licensed wildlife trapper. Lee County Animal Control does not remove wildlife but have resources to contact Illinois Department of Natural Resources and licensed trappers.

#### **5-1-29 TRAPPING PROHIBITED**

It shall be unlawful to trap cats for relocation without obtaining a permit from Lee County Animal Control. A fee of \$5 for a full year will apply.

- A. All traps must be marked with the owner's name address and phone number. Any traps found within the county that are not marked shall immediately be confiscated by animal control.
- B. Permits are only good for the permit holder's property unless the individual is working in conjunction with a licensed shelter, animal control facility, or other recognized TNR (trap neuter release) program.
- C. Any person trapping a cat for relocation must have the cat scanned for the presence of a microchip.
- D. All persons trapping a cat must report to animal control immediately the date, time, description along with a photograph of the cat.
- E. Relocation may only be done with the permission of the land owner where the cat will be released. A record must be kept of the release location(s) with name, address, and phone number of the property owner where the cat(s) were released. This record along with photograph of each cat must be forwarded to animal control upon release of the cat.
- F. Any violation of this section will result in a loss of the trapping permit as well as confiscation of the traps. A second violation will result in a fine no less than one hundred dollars (\$100.00) and no more than three hundred dollar (\$300.00)

#### **5-1-30 BARN/FERAL CAT CARETAKER PERMIT REQUIRED**

- A. Barn cat caretakers may obtain an annual permit from the county by no later than January 31 of each year. Permit holder shall pay an annual renewal fee of ten dollars (\$10.00).

B. An applicant for and holder of a barn cat caretaker permit shall conform to the following requirements:

- i. All cats over four (4) months of age must receive an inoculation against rabies.
- ii. All cats must be spayed or neutered.
- iii. All cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, shelter and protection from the weather and sufficient veterinary care to prevent suffering.
- iv. The applicant shall not have been found guilty of more than three (3) violations of the animal control ordinance within the previous three (3) years from the date of application
- v. The applicant shall pay the County a fee of ten dollars (\$10.00).
- vi. Obtaining a barn cat caretaker permit shall exempt such permit holder from payment of county registration

#### **5-1-31 REVOCATION OF BARN/FERAL CAT CARETAKER PERMIT**

- A. Upon conviction of a second violation of the requirements pursuant to this article, the animal shelter manager or delegate shall revoke the barn cat caretaker permit for a period of not less than three (3) months or more than five (5) years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the permit shall not be automatically reinstated. The former permit holder must reapply for the permit and show an ability to conform to the existing ordinances before he may be issued a multiple pet permit.
- B. Upon revocation of the permit, the administrator or deputy administrator shall order the barn cats impounded and the owner shall relinquish ownership of his barn cats to the animal shelter, unless he otherwise comes into compliance with the requirements this chapter.

#### **5-1-32 ENFORCEMENT**

Right of entry; inspections; refusal to deliver dog or other animal – The administrator, or his authorized representative, or any officer of the law may enter upon private premises, provided that entry is not made into any building that is a person’s residence, to investigate any alleged or suspected violations of this chapter, to apprehend a straying dog or other animal, a dangerous dog, or other animal, or a dog or other animal thought to be infected with rabies. If, after request by the administrator or his authorized representative, 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.

### **5-1-33 ENFORCEMENT OFFICERS NOT RESPONSIBLE FOR ACCIDENT, INJURY, OR DISEASE**

Lee County, the Administrator, Animal Control officers, employees or anyone enforcing provisions of this ordinance shall not be held responsible for any accident, injury, disease, or death that may happen to any animal.

### **5-1-34 ISSUANCE OF CITATIONS TO PERSONS IN VIOLATION**

- A. Lee County animal control officers are authorized to issue citations on a reasonable belief that any person has violated any provision of this Chapter or the Illinois Animal Control Act. Violations of the county ordinance shall be punishable by a fine of not less than twenty five (\$25.00) dollars nor more than seven hundred fifty dollars (\$750.00).
- B. Citations shall be issued personally to the violator or left with a family member of at least 13 years of age at the home of the violator.
- C. Persons issuing citations shall ensure that a copy of the citation is filed at the Lee County Courthouse on the same day that the citation is issued or as soon as practical after issuance of such citation unless otherwise stated that fines/fees be paid to Lee County Animal Control.
- D. Any citation issued for a violation of this Ordinance shall be given a court date for at least 21 days from the date the citation was written.

### **5-1-35 PAYMENT TO AVOID PROSECUTION**

- A. Upon receipt, a citation alleging a violation of any section of this Ordinance, the violation fine may be paid at Lee County Animal Control, provided that the said amount is paid within 10 days of the date the citation was issued.
- B. After the 10 day period to pay the fines had expired, the citation shall be immediately turned over to the Lee County States Attorney for prosecution and the defendant shall be required to appear in court on the date provided on the citation.