

Mercer County Animal Control Ordinance

Section 1 - GENERAL PROVISIONS

1.1 SHORT TITLE

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

1.2 PURPOSE

1.3 The purposes of the animal control programs are as follows:

- (1) To protect the public health and safety:
 - a. From rabies in accordance with the animal control act;
 - b. From dangerous and vicious dogs;
 - c. By educating the public about state and local ordinances;
 - d. By controlling and impounding animals under its jurisdiction;
 - e. By enforcing state statutes and county ordinances; and
 - f. By enforcing county ordinances and intergovernmental agreements made between city councils/municipalities and Mercer County Animal Control.

- (2) To promote the welfare of animals;
 - a. By adhering to the state humane care for animals act;
 - b. By educational programs about responsible pet ownership; and
 - c. By the humane care and maintenance of impounded animals.
 - d. Providing for the assessment of penalties for violations, for the enforcement and administration of this Ordinance; the State of Illinois Animal Control Act; Humane Care for Animals Act; and Animal Welfare Act and issuing citations for violations.

1.4 SCOPE

This article shall include the following provisions:

- a. Duties of the owners to vaccinate dogs in their custody against rabies and to register said dogs with Mercer County Animal Control.
- b. Provisions for impoundment or confinement of biting animals.
- c. Duties of owners to responsibly control all domestic animals in their custody.
- d. Duties of owners to treat humanely all domestic animals in their custody.
- e. Provisions for penalties to persons who violate this Ordinance; the Illinois State Animal Control Act 510 ILCS 5/1 et seq.; Humane Care of Animals Act 510 ILCS 70/1 et. seq.; Animal Welfare Act 225 ILCS 605/1 et. seq.

1.5 PET POPULATION CONTROL FUND

County Animal Pet Population Control Fund is established and funded by a minimum \$10 of the annual unaltered pet registration fee. This fund shall be used to spay or neuter adopted dogs or cats, spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp

Program. 510 ILCS 5/3, or at the discretion of Mercer County Animal Control Warden, upon approval by the Administrator.

1.6 REPORTING

Any person, dog dealer, kennel operator, cattery operator, animal shelter, foster home or pet shop operator, selling, adopting, or fostering dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator including sales, adoptions, source, dispositions, number of litters, microchip numbers and ownership of dogs or cats 510 ILCS 5/3.

Section 2 - DEFINITIONS

ABANDONED. Any animal left deserted, forsaken, or unrestrained where it may become a public charge or may suffer injury, hunger or exposure. 510 ILCS 70/3.01(b)

ANIMAL. Any living creature, other than human, domestic or wild which may be affected by rabies. 510 ILCS 5/2.02 and 510 ILCS 70/2.01

ANIMAL CONTROL ADMINISTRATOR. 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. 510 ILCS 5/2.01 and 510 ILCS 5/3. A person appointed by the County Board Chairman and approved by the County Board, to perform duties of enforcement in order to effectuate the purposes of this Ordinance; Illinois Animal Control Act; Humane Care for Animals Act. 510 ILCS 5/2.01 and 510 ILCS 5/3. The Administrator may appoint an Animal Control Warden to perform the duties of this Ordinance.

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

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

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

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

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

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

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

DANGEROUS DOG. "Dangerous Dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury. 510 ILCS 5/2.05a

DEPARTMENT INVESTIGATOR or HUMANE INVESTIGATOR. A person employed by or approved by the Department of Agriculture to determine whether there has been a violation of Humane Care of Animals Act or an Animal Control Warden or Animal Control Administrator appointed under the Animal Control Act. 510 ILCS 70/2.03

ENCLOSURE. A fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of other domestic animals or young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the .with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. This should not be construed to mean cement floor only; other suitable means such as

cement poured directly below or inside the perimeter or railroad ties buried or placed around the perimeter to a depth or in manner to prevent animal from escaping. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. 510 ILCS 5/2.11a All enclosures must conform to local ordinances and state statutes and approved by Mercer County Animal Control Warden or Administrator.

FERAL CAT. A cat that is (i) 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. 510 ILCS 5/2.11b

IMPOUNDED. Animal apprehended and taken into custody of the public animal control facility located within the county. 510 ILCS 5/2.12a

OWNER. Any person having right of property in an animal or who acts, keeps or harbors an animal, or who has it in their care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. 510 ILCS 5/2.16 and 510 ILCS 70/2.06

PERSON. Any individual, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. 510 ILCS 5/2.17 and 510 ILCS 70/2.07

POTENTIALLY DANGEROUS DOG. A dog that is unsupervised and found running at large with 3 or more other dogs. 510 ILCS 5/2.17c.

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

- a. If it is controlled by a line or leash not more than six (6) feet in length when said line or leash is held by a competent person;
- b. Controlled by a leash of fifty (50) feet or less during a training session conducted by a competent person;
- c. When within a vehicle being driven, parked or stopped; or
- d. While utilized in sport of hunting.

RETURN TO OWNER (RTO) or REDEMPTION FEE. Costs incurred when impounding an animal which includes processing animal entry and exit at the shelter. This also includes all impounding fees, boarding fees for the entire period the animal is in the possession of Mercer County Animal Control, transportation fees, as well as any and all charges for necessary medical care, including but not limited to cost of treatment for fleas and/or worms, microchipping and may include vaccination fees and/or registration fees. 510 ILCS 5/10. All the above listed fees shall be paid by the owner even if the animal is not redeemed within seven (7) days if the owner is known and the animal not redeemed.

VICIOUS DOG. A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions. 510 ILCS 5/2.19b.

Section 3 - VACCINATION OF DOGS

- 3.1 Every owner of a dog four (4) months of age and older, within Mercer County, shall cause such dog or to be vaccinated against rabies by a licensed veterinarian as established by regulations set forth in 510 ILCS 5/8. Every dog shall have a second rabies vaccination within one year of the first and annually thereafter unless a three (3) year vaccination is given.
- 3.2 Evidence of such vaccination shall be entered upon a certificate which shall be signed by the veterinarian administering the vaccine and name of clinic, hospital, or facility with which said veterinarian is affiliated.

- 3.3 Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator with a certificate of immunization and microchip number if it has one. The Board shall cause a serially numbered rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.
- 3.4 If a licensed veterinarian determines annually 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 registration fees. The owner shall present the veterinarian's determination to the Mercer County Animal Control Registration Office.
- 3.5 If an animal is not inoculated and registered, said animal may be impounded by the Mercer County Animal Control Administrator and/or his or her designee, or any Mercer County Animal Control Warden and may be redeemed or disposed of in accordance with the provisions of the Ordinance.
- 3.6 Further Rabies Control shall be carried out as established in Illinois Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/14 et seq. and Section 5/12 et seq.

Section 4 - REGISTRATION

- 4.1 Every owner of a dog (4) months or more in age shall register such dog and pay an annual registration fee for said dog to the Mercer County Animal Control Registration Office within twenty-one (21) days of vaccination, as established in Illinois Animal Control Act; Illinois Compiled Statutes; Chapter 510, Section 5/8 et seq. The animal must have a current rabies vaccination prior to registration.
- 4.2 Three (3) year rabies vaccinations are recognized by the State of Illinois. Whenever a pet owner has a Vaccination Registration Certificate that shows a three (3) year vaccine has been administered by the veterinarian; the owner will be responsible for obtaining one (1) year Registration Tags within twenty-one (21) days of each anniversary of the date of Rabies Inoculation. If a three (3) year registration tag was obtained (if available) a new registration shall be obtained within twenty -one (21) days of the date of expiration. Any registration not obtained within the twenty-one (21) days maybe subject to late fees.
- 4.3 Change of ownership information should be made to the Mercer County Animal Control Registration Office.

Section 5 - BITING ANIMALS

REPORT OF BITE

- 5.1 It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the Mercer County Animal Control Office, Sheriff's Department, local Police Department, or other officer with the delegated authority who are responsible for the area in which the bite occurred.
- 5.2 A bite report shall be completed and forwarded to the Mercer County Animal Control Office within 24 hours. Bite Reports shall be furnished by the Mercer County Animal Control Office identifying required information.
- 5.3 The owner of any dog, cat or other animal, which has been bitten by another dog, or other animal, shall immediately inform the Mercer County Animal Control Office, giving name, address, owner, registration number, description and location of such animal if known.

Section 6 - CONFINEMENT OF BITING ANIMALS

- 6.1 When Mercer County Animal Control receives information that a human being or other animal has been bitten by a dog or cat; the Administrator or Deputy Administrator or his or her authorized representative shall have such dog or cat confined under the observation of a veterinarian for a period of ten (10) days.
- 6.2 When evidence is presented that such dog or cat was vaccinated within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any human being or other animal for a period of ten (10) days, if the administrator or other licensed veterinarian declares such confinement satisfactory. The residence where animal is to be confined must be approved by a Mercer County Animal Control Warden. At the end of the confinement period, such dog or cat shall immediately be examined by the administrator if he/she is a licensed veterinarian or by another licensed veterinarian.
- 6.3 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 authorized representative.
- 6.4 When the owner of a biting dog is unknown, such dog shall be taken to the public animal control facility located within the county and placed under observation for ten (10) days or until an owner may be located.
- 6.5 Further enforcement of Biting Animals and Confinement may be carried out as established under Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/13 et seq.
- 6.6 When such dog or cat has been examined by the Administrator or another licensed veterinarian, at the end of the confinement period and release from confinement, said animal shall be microchipped at the owner's expense at the time of examination. The owner shall notify the Administrator or his/her designee of the microchip number within seventy-two (72) hours.

Section 7 - LIABILITY OF OWNER

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

Section 8 - SPECIAL PROCEDURE; BITING ANIMALS, UNUSUAL CIRCUMSTANCES

- 8.1 Family members bitten. Owners of animals that have bitten members of immediate family residing at the same address, are encouraged to submit the biting animal for veterinary examination. The biting animal shall be confined in a manner which will prohibit it from biting other people or animals.
- 8.2 Multiple bite reports of same family members may show need for investigation under the Humane Care for Animals Act for possible abuse or neglect.

Section 9 - DANGEROUS DOGS

- 9.1 After a thorough investigation including: sending, within 10 business days of the Administrator, or his/her designee 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 his/her designee prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, 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.** During the investigation of a "dangerous dog", the dog may be impounded at the discretion of the Mercer County Animal Control Administrator, or his/her designee. Impounding fees and any other fees associated with the care and retention of the animal will be at the expense of the owner of the dog.
- 9.2 A dog shall not be declared dangerous if the Administrator, or his or her designee 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.
- 9.3 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.
- 9.4 If deemed dangerous, the Administrator, or his or her designee shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
- (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.
 - (3) Any "dangerous" animal must be confined to an enclosure which has been inspected and approved by a Mercer County Animal Control Warden or the Administrator or his or her designee.
- 9.5 The Administrator, or his/her designee 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.
- 9.6 Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each

such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator, or his/her designee advised of the location where such dog will be stationed. The Administrator, or his/her designee shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him or her.

- 9.7 An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this ordinance. 510 ILCS 5/15.1.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods. It is the duty of the owner to report their dangerous dog is running at large, if known to them. 510 ILCS 5/15.2

Section 10 - DANGEROUS DOG, APPEAL

The owner of a dog found to be a dangerous dog pursuant to the Animal Control Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules. 510 ILCS 15.3

Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director. 510 ILCS 5/15.3

Section 11 - VICIOUS DOGS

- 11.1 In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records, or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's office and the owner. The State's Attorney in 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. During the investigation of a "vicious dog", the dog may be impounded at the discretion of the Mercer County Animal Control Administrator, or his/her designee. Impounding fees and any other fees associated with the care and retention of the animal will be at the expense of the owner of the dog. The Administrator shall determine where the animal shall be confined during the pendency of the case.
- 11.2 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;
- (3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel or offspring.

- 11.3 No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in the manner that is specific as to breed.
- 11.4 If the burden of proof has been met, the court shall deem the dog to be a vicious dog.
- 11.5 If the dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure.
- 11.6 If an owner fails to comply with these requirements, the Mercer County Animal Control agency shall impound the dog and the owner shall pay a \$500 fine and shall pay impoundment fees to the Mercer County Animal Control. The judge has the discretion to order a vicious dog be euthanized.
- 11.7 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.
- 11.8 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.
- 11.9 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.
- 11.10 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.
- 11.11 Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 3 of this ordinance and 510 ILCS 5/8. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
- 11.12 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 bond. 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 bond the actual costs incurred by the agency in caring for the dog.

- 11.13 Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.
- 11.14 If the court orders the posting of security bond, the security bond 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. 510 ILCS 5/15

Section 12 - At Large

RUNNING AT LARGE - IMPOUNDMENT

- 12.1 The owner of any dog or other animal shall not permit such animal to run at large within Mercer County.
- 12.2 No person shall cause or permit any animal owned by him/her to run at large on any public place or on any privately owned premises, other than the owners.
- 12.3 Whenever the Administrator or Deputy Administrator or his or her authorized representative observes or is informed that any dog or domestic animal or livestock is roaming freely and not under control of the owner, it shall be considered running at large within Mercer County. The animal shall immediately be apprehended and/or impounded.
- 12.4 Any person may apprehend an at large animal and inform local police or an Animal Control Warden and hold so that such animal may be impounded.
- 12.5 All stray/at large animals impounded shall be scanned for the presence of a microchip upon arrival, and a record of impoundment entered into a database containing but not limited to location of apprehension, time and date of impoundment, license/tag information, species, owners information, and the physical condition of the animal.
- 12.6 When a stray/at large animal is impounded, notice shall be made to the owner if known by telephone, if unattainable by phone, given by mail to the last known address of the owner. Stray/at large animals shall be held not less than seven (7) days. All unclaimed animals deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely euthanized pursuant to the Humane Euthanasia in Animal Shelters Act.
- 12.7 The owner of a stray/at large animal is responsible for all costs relating to the apprehension and impoundment of the animal.
- 12.8 The provisions of this Section shall not apply to:
- (a) Dogs being used in hunting or field trials
 - (b) Dog shows while on public lands set aside for those purposes
 - (c) While on private property of others with the actual, implied, customary, or constructive consent of the owner of such private premises
 - (d) While going to or from a hunting, field trial, or dog show site
 - (e) Dogs used in tracking in conjunction with police activities
 - (f) Dogs of the Canine Corp of any law enforcement agency or Armed Forces while being used to conduct official business

Section 13 - HUMANE CARE FOR ANIMALS

HUMANE CARE AND TREATMENT

- 13.1 It shall be unlawful for any person to abuse or neglect or in any way treat inhumanely any animal within Mercer County.
- 13.2 This Mercer County Animal Control Ordinance shall cause all persons within Mercer County to abide by the Humane Care for Animals Act as established in 510 ILCS 70/1 et seq.
- 13.3 Cruel Treatment. No person shall cruelly treat any animal as established under Illinois Humane Care for Animals Act. 510 ILCS 70/3.01 and 3.03.
- 13.4 No owner or person shall confine any animal in a motor vehicle or enclosed trailer, kennel, dog house, or any type of container or structure used for confinement in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of an animal, an Animal Control Warden, law enforcement officer, or Department Investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person. 510 ILCS 70/7.1
- 13.5 No person shall abandon any animal on any public or private property or roadway within Mercer County. 510 ILCS 70/3.01.
- 13.6 Owner's duties as listed in the Illinois State Humane Care for Animals Act (510 ILCS 70/3) and as pertains to the Mercer County Animal Control Ordinance, under "adequate shelter and protection for weather" shall include:
- 13.7 Shelter from SUNLIGHT. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals/pets kept outdoors to protect themselves from the direct rays of the sun.
- 13.8 Shelter from RAIN or SNOW. Animals/pets kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- 13.9 Shelter from COLD WEATHER. Shelter shall be provided for all animals/pets kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the animal/pet species concerned.
- 13.10 Shelter from EXTREME HEAT OR COLD. Shelter that is provided in an enclosed area such as enclosed porch or vehicle, shall not cause danger, distress or discomfort to the animal.
- 13.11 DRAINAGE. A suitable method shall be provided to rapidly eliminate excess water to prevent a damp, wet or muddy environment.
- 13.12 PROPER SHELTER. Shall be defined as protection from weather for a dog or cat as a moisture proof building, with dry floor and adequate clean bedding material. A horse shall have a building of at least three (3) walls and a roof. It shall have a dry floor with clean and adequate bedding of straw, chips or other suitable material.

- 13.13 SUFFICIENT ROOM. A pen or kennel shall be of sufficient room to provide adequate exercise. Cable, lead line, tie line or any line used to secure animal in yard or pen shall be of sufficient length and placement to provide tangle free exercise.

Section 14 – RESTRICTIONS ON TETHERING A DOG

It shall be unlawful for an owner to tether a dog outdoors unless the following conditions are met:

- (1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.
- (2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
- (3) That the dog does not suffer for a condition that is known, by that person,, to be exacerbated by tethering.
- (4) The dog is tethered in a manner that will prevent it from becoming entangled with other dogs.
- (5) The dog is not tethered with a lead that (a) exceeds one-eighth of the dog’s body weight or (b) is a tow chain or a log chain.
- (6) The dog is tethered with a lead that measures, when rounded to the nearest whole foot, at least 10 feet in length.
- (7) The dog is tethered with a properly fitting harness or collar other than the lead or a pinch, prong or choke-type collar.
- (8) The dog is not tethered in a manner that will allow it to reach within the property of another person, a public walkway, or a road.

Any person convicted of violating the section is guilty of a Class B misdemeanor. 510 ILCS 70/3

As used in this Section, “tether” means to restrain by tying to an object or structure, including, without limitation, a house, tree, post, garage, shed, or clothes line at a person’s residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line. 510 ILCS 70/3

Section 15 - VIOLATIONS AND PENALTIES

- 15.1 Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than seventy-five dollars (\$75.00) or no more than five hundred dollars (\$500.00) . Each day a person fails to comply constitutes a separate offense. Violators may also be charged with a Class C Misdemeanor or a Class B Misdemeanor for a subsequent offense.
- 15.2 Every owner of a dog shall comply with the provision of this Ordinance. Any person who violates this Ordinance shall pay a penalty of seventy-five dollars (\$75.00) for the first violation, one hundred fifty dollars (\$150.00) for the second violation occurring within a twelve-month period and three hundred dollars (\$300.00) for the third and each successive violation within a twelve-month period. Each day a person fails to comply constitutes a separate offense. Each animal constitutes a separate violation. (Ex: 2 dogs, 2 days in violation would be four (4) separate violations).
- 15.2 The Administrator or Animal Control Wardens may issue a Citation in those instances where an owner violates this Ordinance.

Section 16 - FEES (See attached fee schedule).

- 16.1 If an owner's dog is required to be quarantined for a 10-day rabies observation, the owner shall pay a rabies observation fee (see attached fee schedule) in addition to any other fees or fines that may be required.
- 16.2 If an owner's dog is required to be surrendered or euthanized per the owner's request for any reason, the owner shall pay a release fee and euthanasia fee. (See attached fee schedule).
- 16.3 If an owner's dog is found running at large, the dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county. 510 ILCS 5/9. This fee is in addition to any other fees or fines imposed.
- 16.4 The owner of any impounded dog or cat who desires to make redemption thereof shall pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days. 510 ILCS 5/10.
- 16.5 If an impounded or seized animal needs treatment for fleas and/or worms the cost of such treatment is the responsibility of the owner if known.

Section 17 - EFFECT OF INVALID SECTION

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

Section 18 - REPEAL OF CONFLICT RESOLUTIONS OR ORDINANCES

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

Section 29 - EFFECTIVE DATE OF ORDINANCE

This amendatory Ordinance shall become effective upon passage and approval.

DONE IN OPEN MEETING THIS _____ DAY OF _____, 2016.

ATTEST:

Joe W. Vann III, County Board Chairman

Phyllis Bewley, County Clerk
Ordinance #2016-

TABLE 1 SCHEDULE OF FEES

Dog Registration Fee – Altered (Annual)	\$20.00
Dog Registration Fee – Un-Altered (Annual)	\$35.00
Dog Registration Fee – Altered (3 Year)	\$60.00
Dog Registration Fee – Un-Altered (3 Year)	\$105.00
(new fee) Late Registration (each 30 days late)	\$10.00
County Impound Fee (Canine)	\$50.00
County Impound Fee (Feline)	\$45.00
2nd Offense (Canine/Feline)	\$75.00
3rd Offense (Canine/Feline)	\$100.00
Daily Boarding Fee	\$25.00
Cities/Villages without Contracts Impound/Boarding Fee	\$175.00
Rabies Containment Fee – Canine (10 days)	\$350.00
Rabies Containment Fee – Feline (10 days)	\$225.00
Drop off fee (litter under 3 months)	\$35.00
Drop off fee – Canine	\$50.00
Drop off fee – Feline	\$40.00
Microchip fee	\$20.00
Dead animal disposal fee	\$30.00
Voluntary Euthanasia fee	\$100.00
Adoption Fee – Canine Altered	\$80.00
Adoption Fee – Canine Not Altered	\$45.00
Adoption Fee – Feline Altered	\$65.00
Adoption Fee – Feline Not Altered	\$40.00