

Ordinance 2024-02

AN ORDINANCE PROVIDING FOR
ANIMAL CONTROL IN JACKSON COUNTY, ILLINOIS

This ordinance shall be known as and referred to as the JACKSON COUNTY ANIMAL CONTROL ORDINANCE.

WHEREAS, the Jackson County Board has heretofore established an Ordinance providing for a rabies inoculation tag and animal control pursuant to State law; and,

WHEREAS, 55 ILCS 5/5-1070 through 5/5-1072 of the Illinois Counties Code and 510 ILCS 5/1 et. seq. (hereinafter referred to as the Illinois Animal Control Act) give the County certain powers in certain areas to control and prevent the spread of rabies, to exercise dog and cat overpopulation control, and to administer the Animal Control Fund; and,

WHEREAS, 510 ILCS 70/1 et. seq. (hereinafter referred to as the Humane Care for Animals Act) gives certain power and authority to animal control wardens or animal control administrators appointed under the Animal Control Act; and

WHEREAS, the intent of the present changes is to replace all prior ordinances pertaining to animal control and inoculation but preserve any prior actions, decisions, legal status as a result of those prior ordinances; and,

WHEREAS, 510 ILCS 70/1 et. seq. (hereinafter referred to as the Humane Care for Animals Act) gives the County certain powers to enforce laws for the prevention of cruelty to animals; and

WHEREAS, 510 ILCS 55/1 et. seq. (hereinafter referred to as the Illinois Domestic Animals Running At Large Act) gives the County certain powers to enforce laws for the protection of the public from the consequences of livestock running at large; and

WHEREAS, the Jackson County Board desires to raise certain fees for the impoundment and boarding of animals, as well as other changes; and

WHEREAS, 510 ILCS 72/1 et. seq. (hereinafter referred to as the Humane Euthanasia in Animal Shelters Act) gives the County certain powers to enforce laws for the purpose of humane animal euthanasia; and

WHEREAS, in light of the new legislation and to consolidate its previously adopted Animal Control Ordinance into a single ordinance, the Jackson County Board now wishes to repeal and replace its prior

Animal Control Ordinance and replace it with a new Animal Control Ordinance as provided herein; and

NOW, THEREFORE, BE IT ORDAINED by Jackson County Board as follows:

This Ordinance shall be in full force and effect from its passage and attestation by the County Clerk as provided by law and shall continue in effect and operation until lawfully repealed by the Jackson County Board.

1. PURPOSE. The Jackson County Board desires to enact an ordinance to educate citizens about Illinois laws pertaining to animals, protect public health and safety, promote the welfare of animals, and authorize the Jackson County Animal Control Administrator and Animal Control Officer to investigate and enforce Illinois laws pertaining to animals.

2. DEFINITIONS. As used in this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Administrator" shall mean the Jackson County Animal Control Administrator.

"Animal" means every living creature, other than man, which may be affected by rabies.

"Animal Control Officer" means any person appointed by the Administrator and approved by the Board to perform duties as assigned by the Administrator to effectuate this Ordinance pursuant to the Illinois Animal Control Act, the Illinois Humane Euthanasia in Animal Shelters Act, the Illinois Humane Care for Animals Act, and the Illinois Animal Welfare Act. The Animal Control Officer will perform the duties of the "Animal Control Warden" as set forth in the Animal Control Act.

"Board" means the Jackson County Board.

"Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims.

"Cat" means all members of the species *Felis catus*.

"Competent person" means a human being over the age of fifteen (15) years that is capable of controlling and governing the dog or cat in question and to whose commands the dog or cat is obedient.

"Companion animal" means any animal that is commonly considered to be, or is considered by the owner to be, a pet, including, but not limited to canines, felines, and equines.

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

"Dangerous animal" means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, serval, bobcat, jaguarondi, bear, hyena, wolf, coyote, or hybrids thereof.

"Dangerous dog" shall be defined in accordance with 510 ILCS 5/2.05a of the Animal Control Act as may be amended from time to time. As of the date of enactment of this Ordinance said statute defines as:

(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 a companion animal, or

(ii) a dog that, without justification, bites a person and does not cause serious physical injury.

"Department" means the Department of Agriculture of the State of Illinois.

"Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator or the Jackson County Board.

"Director" means the Director of the Department of Agriculture of the State of Illinois, or their duly appointed representative.

"Dog" means all members of the family Canidae.

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

"Extreme heat or cold" means when a local weather authority releases is a weather warning, whether a high heat index or cold wind chill, that conditions exist that could be dangerous to humans or animals when outdoors.

"Feral cat" means a cat that:

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

"Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

"Humanely dispatched" is defined by the Humane Euthanasia in Animal Shelters Act.

"Impounded" means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

"Inoculation against rabies" means the injection of an antirabies vaccine approved by the Department.

"Intact animal" means an animal that has not been sterilized to render it incapable of reproducing.

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

"Licensed veterinarian" means a veterinarian licensed by the State in which they engages in the practice of veterinary medicine.

"Owner" shall be defined in accordance with 510 ILCS 5/2.16 of the Animal Control Act as it may be amended from time to time. As of the date of enactment of this Ordinance said statute defines "owner" as any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in their care, or acts as its custodian, or who knowingly permits the animal to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

"Oversight Committee" means a committee of the Jackson County Board to which is delegated the responsibility of overseeing the administration of the Jackson County Animal Control Program.

"Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 2012.

"Person" for the purposes of the Animal Control Act means 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.

"Police animal" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

"Potentially dangerous dog" shall be defined in accordance with 510 ILCS 5/2.17c of the Animal Control Act as it may be amended from time to time. As of the date of enactment of this Ordinance said statute defines "potentially dangerous dog" as a dog that is unsupervised and found running at large with 3 or more other dogs.

"Pound" or "animal control facility" may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing the Animal Control Act and this Ordinance and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

"Reckless dog owner" shall be defined in accordance with 510 ILCS 5/2.18b of the Animal Control Act as it may be amended from time to time. As of the date of enactment of this Ordinance said statute defines "reckless dog owner" as 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.

"Return" in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.

"Running at large" means when an animal is off the animal's owner's or custodian's premises or real property and not under a recognized control method by a competent person.

"Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or is corrected by plastic surgery.

"Straying" has the same meaning as "running at large".

"Tag" a serially numbered medallion approved by the Department to be issued, at a fee set by the Board, as evidence of inoculation against rabies.

"Vicious dog" shall be defined in accordance with 510 ILCS 5/2.19b of the Animal Control Act as it may be amended from time to time. As of the date of enactment of this Ordinance said statute defines "vicious dog" as 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 3 separate occasions.

"Wild Animal" means an undomesticated animal which still retains its wild nature and whose habitat is generally the woods and which is untamed and undomesticated, including, but not limited to, a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog (hybrid names: coydog or wolf hybrid).

3. ADMINISTRATOR AND PERSONNEL.

A. Appointment. The Chairman of the Jackson County Board shall appoint with the advice and consent of the Board, an Animal Control Administrator (hereinafter "Administrator"). Appointments shall be made as necessary to keep this position filled at all times.

B. Term of Administrator. The appointment of the Administrator shall be for a period of two years subject to the right of the County Board Chairman to remove the Administrator with the consent of the Board as set out in 510 ILCS 5/3 of the Animal Control Act. Upon the expiration of his or her term as Administrator, the Chairman of the Jackson County Board may appoint, with the consent of the County Board, another person as Administrator or may reappoint the current Administrator for a new term, according to law.

C. Appointment of Deputies and Officers. The Administrator may appoint as many Deputy Administrators and Animal Control Officers to aid him or her as are needed and authorized by the Board. Such appointments shall be from a list of eligible candidates for those positions kept by the Board. Any other personnel shall be assigned to work for the Animal Control Program by the Board at the discretion of the Board. The Animal Control Officers shall abide by the provisions set forth in the Illinois Animal Control Act, the Illinois Humane Care for Animals Act, the Illinois Animal Welfare Act, and the Illinois Humane Euthanasia in Animal Shelters Act.

D. Compensation. Compensation for the Administrator, Deputy Administrator(s) and Animal Control Officer(s) shall be fixed annually by the Board and incorporated in the annual budget.

E. Removal. The Administrator, Deputy Administrator(s) and Animal Control Officer(s) may be removed by the County Board Chairman with the advice and consent of the Board. Other personnel assigned to work in the Animal Control Program may be reassigned at the discretion of the Board and may be dismissed by the Board for cause or for budgetary reasons.

F. Expenses and Facilities. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county Animal Population Control program.

G. Funding. The Board shall be empowered to utilize monies from the Animal Control Fund and the County's General Corporate Fund to effectuate the intent of this Ordinance. The Administrator shall provide monthly accountings to the Board concerning revenue and expenditures for the Animal

Control Program.

H. Authorization for Requiring Registration. The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. Implementation of a registration requirement is a matter that the Administrator may bring before County Board for approval. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may serve as the county animal control registration number.

4. DUTIES OF THE ADMINISTRATOR AND APPOINTED PERSONNEL.

A. It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of the Animal Control Act (for the death or injury of livestock, poultry, or Equidae by a dog). The duty may include return, adoption, transfer to rescues or other animal shelters, and any other means of ensuring live outcomes of homeless dogs and cats and through sterilization, community outreach, impoundment of pets at risk and any other humane means deemed necessary to address strays and ensure live outcomes for dogs and cats that are not a danger to the community or suffering irretrievably.

B. The Administrator and his or her Deputy Administrator(s), Animal Control Officer(s), agents or employees of the Jackson County Animal Control Program shall, to the extent of their lawful power, enforce and abide by all sections of the Illinois Animal Control Act, the Illinois Humane Care for Animals Act, the Illinois Animal Welfare Act, and the Illinois Humane Euthanasia in Animal Shelters Act, including the rules and regulations relating to the same as duly promulgated by the State Department of Agriculture.

C. The Administrator shall also have the following duties to be exercised with the advice and consent of the Board:

- (1) Administer the Jackson County Animal Control Program;
- (2) Develop written job descriptions for all personnel working in the Jackson County Animal Control Program;
- (3) Draft written rules and regulations for the operation of the Jackson County Animal Control Program;
- (4) Prepare an annual budget for Board's consideration and approval for the operation of the Jackson County Animal Control Program;

(5) Direct the activities of and assign duties to the personnel working in the Jackson County Animal Control Program;

(6) Approve all bills before submission to the oversight committee who will submit said bills for Board authorized payment;

(7) Make such reports as are required by the Director of the Department of Agriculture of the State of Illinois, his or her duly appointed representative, the oversight committee, and the Board;

(8) Investigate and substantiate all claims made on the Animal Control Fund and Animal Population Control Fund and to approve all expenditures under the Animal Control Program for Board authorized payment;

(9) Assist the Department of Agriculture in taking appropriate measures whenever a case of rabies has occurred locally or when the proper officials of a government unit are apprehensive of the spread of rabies;

(10) Investigate and administer claims pursuant to 510 ILCS 5/19 for death or injury of livestock, poultry, or Equidae caused by a dog;

(11) Propose a schedule of damages to be adopted by the Board by duly enacted Ordinance reflecting the current market value of livestock, poultry, or Equidae as outlined in 510 ILCS 5/19; and

(12) Recover such funds as may be awarded to the County by judgment entered in legal proceedings pursuant to 510 ILCS 5/20 against the owner of the dog causing injury or loss to livestock, poultry, or Equidae.

5. POLICE POWERS. The Administrator, Deputy Administrator, and Animal Control Officers shall not have the power of police officers except for the purposes of issuing and serving summons and orders for violations of this ordinance. The Sheriff of Jackson County and his or her deputies shall cooperate with the Administrator in carrying out the provisions of this ordinance.

A. The Administrator, Deputy Administrator, and Animal Control Officers are prohibited from carrying firearms, but are hereby authorized to carry and use tranquilizer guns, mace, traps, and other such equipment as authorized by the Administrator for the purpose of enforcing the provisions of this ordinance and the Illinois Animal Control Act.

B. The Sheriff and all Sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Ordinance.

C. When an Animal Control Officer is requested to remove animals from inside a residence during a drug bust, material dispute, or any other time law enforcement official's request, the Animal Control Officer may not enter the house until it has been secured by a law enforcement official, and then may only enter when accompanied by a law enforcement official.

D. The Administrator and Animal Control Officers shall aid in the enforcement of the Humane Care for Animals Act and have the authority to impound animals and apply for security posting for violations of the Humane Care for Animals Act under the circumstances described in the Humane Care

for Animals Act.

6. RABIES INOCULATION, CERTIFICATES AND TAG FEES.

A. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. The owner may elect a one year or three year vaccine.

B. Every owner of a cat that is a companion animal and is 4 months or more of age shall have each cat inoculated against rabies by a licensed veterinarian. Every cat that is a companion animal shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. This subsection does not apply to feral cats; however, if a feral cat is presented to a licensed veterinarian for sterilization, the feral cat shall be inoculated against rabies, unless the person presenting the feral cat for care provides an inoculation certificate showing that the feral cat has been inoculated against rabies, and the cost of the inoculation shall be paid by the person presenting the feral cat to a licensed veterinarian for care.

C. A veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate provided by the Administrator, the form of which shall be approved by the Board and which shall contain the microchip number of the dog, cat, or ferret if it has one and which shall be signed by the veterinarian administering the rabies inoculation vaccines. The original of said certificate shall be issued to the owner of the dog which has been inoculated and a copy of the certificate shall be returned to the Administrator or his designated representative. Only one dog, cat, or ferret shall be included on each certificate.

D. Veterinarians who inoculate a dog shall procure from the Jackson County Animal Control Administrator serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

E. The Board shall provide rabies inoculation tags for the fee established by the Jackson County Animal Control Fees Ordinance. Rabies inoculation tags shall be in a form and color prescribed by the Illinois Department of Agriculture. The method of distributing said tags and collection of fees for said tags shall be determined by the Administrator.

F. All fees collected for the issuance of rabies inoculation tags shall be remitted to the County Treasurer, who shall place such monies in the Animal Control Fund.

G. There is no recognized vaccine approved for use on wild animals, therefore, wild animals shall not be vaccinated against rabies.

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

I. If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies inoculation requirement, however, the owner is still responsible for the tag fees.

J. If a bite occurs from an exempt animal, the exempt animal shall be treated as an unvaccinated animal. If the animal is exempt, the animal shall be re-examined by a licensed veterinarian on no less than an annual basis and be vaccinated against rabies as soon as the animal's health permits.

K. The owner of any animal which exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any animal that has had direct contact with the animal and that has not been inoculated against rabies, shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator.

7. COLLAR AND IDENTIFICATION REQUIREMENTS. Every owner of a dog four months of age or more shall cause a current, valid rabies inoculation tag to be attached to a collar or harness and worn by the dog to which such tag was issued at all times. Every owner of a dog under four months of age shall have a tag specifying the owner's name, address, and telephone number attached to a collar or harness which shall be worn by the dog at all times.

8. ANIMAL CONTROL FUND.

A. The Animal Control Fund is an account administered by the County Treasurer for the purpose of paying the cost of the Animal Control Program.

B. All fines and fees collected pursuant to this Ordinance shall be deposited in the Animal Control Fund.

C. All fines and fees deposited in the Animal Control Fund shall be used for the following purposes:

- (1) compensating owners who file claims pursuant to 510 ILCS 5/19;
- (2) paying for the costs of the Animal Control Program;
- (3) paying for cost of education on animal control and rabies; and
- (4) paying other cost incurred in carrying out the provisions of this Ordinance.

9. BITE REPORTING, INVESTIGATION, CONFINEMENT, AND PENALTIES FOR NONCOMPLIANCE.

A. Initial Report. Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours.

B. Duty to confine. Except as otherwise provided in subsections L and M of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is

not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian.

C. Duration of confinement. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit such confinement to be reduced to a period of less than 10 days.

D. Duty to present animal to veterinarian. The owner, or if the owner is unavailable, an agent or caretaker of an animal documented to have bitten a person shall present the animal to a licensed veterinarian within 24 hours. A veterinarian presented with an animal documented to have bitten a person shall make a record of the clinical condition of the animal immediately.

E. Examination at end of confinement period. At the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, and microchipped, if the dog or cat has not been already, at the expense of the owner.

F. Report to Administrator at end of confinement period. At the end of the confinement period, the veterinarian shall submit a written report listing the owner's name, address, dates of confinement, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department.

G. Notification of bite victim. The Administrator shall notify the person who has been bitten, and in the case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

H. Bites by inoculated animals. When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory.

The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian duties to report are the same as set out above. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition

of the animal.

I. Concealment prohibited. It is unlawful for the owner of the animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is examined and released from confinement by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or licensed veterinarian. Concealment carries criminal penalties under the Illinois Animal Control Act. The administrator will cooperate with the appropriate law enforcement agencies and the State's Attorney's Office.

J. Compliance required. It is unlawful for the owner of the animal to refuse or fail to immediately comply with the instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative.

K. Expenses and Public Safety Fine. Any expense incurred in the handling of an animal under this Section and the Section above titled RABIES INOCULATION, CERTIFICATES AND TAG FEES shall be borne by the owner. The owner of a biting animal must also remit a fee established by the Jackson County Animal Control Fees Ordinance to be deposited into the county Animal Control Fund.

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

M. When a person has been bitten by a search and rescue dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any period of observation of the dog may be under the supervision of its handler or owner. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a vehicle, or remaining under the constant supervision of its handler or owner.

N. When a person has been bitten by a service dog or emotional support animal, the Administrator may implement a modified confinement protocol in order to reasonably accommodate the needs of the owner and protect the public from injury.

10. CONTROL BY OWNER.

A. Duty to control. Every owner of a dog shall keep such dog from leaving the premises occupied by said owner unless the dog is accompanied or supervised by its owner or on leash.

B. Fine. Any dog found running at large contrary to provisions of this ordinance may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a fee established by the Jackson County Animal Control Fees Ordinance to be deposited into the county Animal Control Fund or the county pet Animal Population Fund.

C. Spay or neuter on second or subsequent incident. A dog found running at large contrary to the provisions of this ordinance a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless

already spayed or neutered; failure to comply shall result in impoundment.

D. Exception for hunting. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

E. Exception for dog parks and dog-friendly areas. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

F. Livestock. 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.

11. IMPOUNDMENT.

(A) Any dog found running at large, contrary to the provisions of this chapter may be apprehended and impounded by the Animal Control Administrator. For this purpose, the Administrator may utilize any existing or available public pounds or animal control facility.

(B) Any dog running at large within the county on any public way or public place, or upon the private premises of any person other than those of the keeper of the dog, shall be considered a stray and shall be considered to have been found running at large contrary to the provisions of this chapter, whenever:

(1) The dog is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods; unless:

(a) The dog is upon private premises, in the presence and company and under supervision of its owner, and an adult individual with an ownership or possessory interest in the premises consents to the dog's presence on his or her premises; or

(b) The dog is upon public premises that specifically allow dogs to be present off-leash, and the dog is in the presence and company and under supervision of its owner.

(2) The dog does not bear a current rabies inoculation tag as required by this ordinance.

(C) Any cat six months of age or older that has not been spayed or neutered that is found running at large may be impounded.

(D) When a dog or cat is apprehended and impounded by the Animal Control Administrator, or his or her deputies, officers, or agents, the animal shall be scanned by the Administrator for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner, or caretaker, or purchaser of the microchip as soon as possible pursuant to the Illinois Animal Welfare Act, the Humane Euthanasia in Animal Shelters Act, and any procedures and policies or contracts set forth by the Administrator.

(E) The owner, caretaker, purchaser, or contact shall be entitled to resume possession of any impounded dog or cat upon compliance with the provisions of this ordinance, if not already in compliance therewith, and the payment of boarding fees and other charges as determined by the Administrator. If the animal is not reclaimed it shall be offered for adoption to rescue or animal shelters for placement.

(F) The Administrator may waive the payment of any fees for good cause.

(G) The Administrator, upon receiving any dog or cat, shall immediately make a complete registry thereof. Such registry should include the sex, whether or not the animal has been sterilized if discernible, breed and color of the animal; the tag number, if available; the microchip number; a notation as to whether the animal is registered; and the owner's name and last known address.

(H) The Administrator or Animal Control Officer shall make every reasonable attempt to contact the owner, caretaker, or purchaser of the microchip, or any contact as soon as possible. The Administrator shall give notice of not less than seven (7) business days to the owner, caretaker, or purchaser of the microchip, if known, prior to disposal of the animal. Where the owner, caretaker, or purchaser of the microchip of an impounded dog or cat is unknown, the dog or cat may be humanely dispatched only after all reasonable attempts have been made, over a period of not less than ten (10) days to place the animal with/through a rescue group, humane organization, or animal shelter.

(I) Where the owner, caretaker, or purchaser of an impounded cat is unknown, the cat may be humanely dispatched or offered to a rescue group or humane organization or animal shelter, after three (3) business days.

(J) Any sick or injured dog or cat, or any litter of puppies or kittens may be immediately released to any licensed rescue group or animal shelter.

(K) Notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails the notice shall be evidence of the receipt of the notice by the owner of the animal.

(L) A mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the Administrator shall also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address, provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization.

(M) Prior to transferring the dog or cat to another humane shelter, pet store, rescue group, or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal control facility may proceed with the adoption, transfer, or euthanization.

12. REDEMPTION.

(A) At the time of impoundment the Animal Control Officer shall prepare an impoundment form to be approved by the Administrator indicating the impoundment fee with space provided for the total amount of board. An additional impoundment fee will be assessed as a penalty after the first offense and for each subsequent offense. The impounding authority shall place on the impoundment form previously prepared by the Animal Control Officer a boarding fee for each day or part thereof which the dog, cat or other animal was impounded. The fees assessed will be those established by the Jackson County Animal Control Fees Ordinance. The fees collected will

be deposited in the Animal Control Fund.

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

- (a) Presenting proof of current rabies inoculation, and registration, if applicable;
- (b) Paying for rabies inoculation of the dog or cat and registration, if applicable;
- (c) Paying the pound for the board of the dog or cat for the period it was impounded;
- (d) Paying into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense;
- (e) Paying a public safety fine to be deposited into the Animal Control Fund: if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days of redemption and provides proof of same to the Administrator, the fine shall be refunded; and
- (f) Paying for microchipping and registration if not already done.

(C) The payments required for redemption under this section shall be in addition to any other penalties invoked under this ordinance and the State Public Health and Safety Animal Population Control Act, 510 ILCS 92/1 et seq.

(D) If an intact dog or cat has been impounded by the Administrator for a second or subsequent time, the animal may only be redeemed if the owner or other individual desiring to redeem the animal makes arrangements approved by the Administrator to spay or neuter the animal within 30 days of redemption. The redeeming individual must pay a deposit to the Administrator as a guarantee that he or she will comply with this sterilization requirement. If the redeeming individual submits satisfactory proof of sterilization to the Administrator at or before the end of the 30-day period, the deposit shall be refunded. If the redeeming individual fails to submit such proof, the deposit shall be forfeited to the county, and if the animal is a dog, the Administrator shall impound it. The fees assessed will be those established by the Jackson County Animal Control Fees Ordinance.

(E) The fines and fees described in this section (REDEMPTION) shall be in addition to any other penalties invoked under state law or statutes and this ordinance.

(F) When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner or chip purchaser, if the purchaser was a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office, must be notified and a record kept of the notification. After contact has been made or attempted, dogs or cats or other animals shall be made available to a licensed humane society, animal shelter or rescue group. If no placement is available, the animal shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

13. APPREHENSION AND INVESTIGATION. For the purpose of carrying out the provisions of this Ordinance, the Administrator or his/her authorized representative or any law enforcement officer may enter onto private property provided that the entry shall not be made into any building that

is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. At the request of the owner or occupier of private property the Administrator or his or her authorized representative may enter onto such property to apprehend any dog or other animal whether or not said animal is wearing a rabies inoculation tag or an identification tag. If, after request therefor, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the authorized representative/peace officer, the owner shall be in violation of this Ordinance and of the Animal Control Act.

14. HARBORING STRAY ANIMAL(S) RESTRICTED. No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or any of his/her representatives within 48 hours.

The Administrator shall be allowed to scan the stray domestic animal for microchip and take such actions as may be in the Administrator's discretion appropriate in the circumstances and authorized under this ordinance, the Illinois Animal Control Act, the Illinois Humane Euthanasia in Animal Shelters Act, the Illinois Humane Care for Animals Act, and the Illinois Animal Welfare Act.

15. VICIOUS AND DANGEROUS DOGS - ENFORCEMENT AND AUTHORIZATION

(A) The County Board, the Administrator and their agents, employees and assigns shall comply with and enforce all provisions of the State Animal Control Act (510 ILCS 5/1 et seq.), the Illinois Humane Euthanasia in Animal Shelters Act (510 ILCS 72 et seq.), the State Humane Care for Animals Act (510 ILCS 70), the Illinois Animal Welfare Act (225 ILCS 605), and the applicable regulations duly promulgated by the State Department of Agriculture as pertaining to vicious or dangerous dogs or other animals.

(B) The State's Attorney of the County is specifically authorized by the County Board to file a complaint in the name of the County of Jackson or the People of Illinois to enjoin persons from maintaining or protecting dangerous dogs, vicious dogs, or dangerous or vicious animals. The State's Attorney is specifically directed to employ legal means to abate the same and to enjoin the owner of a dangerous dog, vicious dog, or dangerous or vicious animal from allowing such animal to leave the premises of its owner pursuant to Illinois laws and County ordinances.

16. DANGEROUS DOGS

(A) The Administrator shall follow the statutory procedures set forth in 510 ILCS 5/15.1 as currently enacted and as may be amended in the future in determining whether to declare a dog to be a dangerous dog. The owner of the dog is entitled to the procedures and remedies set out in 510 ILCS 5/15.3 as currently enacted and as may be amended in the future.

(B) It is unlawful for any person to maintain a public nuisance by permitting any dog declared dangerous to leave the premises of its owner when not under control by a recognized control method as directed or approved by the Administrator.

(C) Administrator's Authority regarding Dangerous Dogs:

- (1) If deemed dangerous, the Administrator shall order:
 - (a) The dog's owner to pay a public safety fine to be deposited into the County Animal Control Fund. The fine/fee assessed will be established by the Jackson County Animal Control Fees Ordinance; and
 - (b) The dog to be spayed or neutered within 14 days at the owner's expense, and microchipped, if not already done.
- (2) The Administrator is also specifically authorized to order the owner of any dog declared dangerous to comply with one or more of the following as deemed appropriate under the circumstances for the protection of the public:
 - (a) Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist or other recognized expert in the field and completion of training or other such treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
 - (b) Direct supervision by a competent adult 18 years of age or older and physically capable of controlling the animal whenever it is on public premises.
- (3) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- (D) The Administrator or his or her deputies, officers, or agents have the right to impound a dangerous dog if the owner fails to comply with any requirements of the Illinois Animal Control Act, 510 ILCS 5/1 et seq., or the County animal control ordinance concerning dangerous dogs.

17. CONTROL METHODS FOR DANGEROUS DOGS.

The following shall be accepted as recognized control methods for dangerous dogs:

- (A) Placing an animal within an enclosed automobile, truck or other vehicle not being used as public conveyance of humans, so long as such confinement does not threaten the life or health of the dog by prolonged exposure to extreme heat or cold, improper ventilation, or other condition prohibited by the Humane Care for Animals Act; or
- (B) Shipping an animal on a public conveyance that is properly confined in a shipping container conspicuously labeled "DANGEROUS ANIMAL" and constructed of materials in such a manner to prevent the animal from biting other animals or the public; or
- (C) Properly muzzling an animal and placing it on a leash of sufficient strength to keep the animal under control, and held by a competent person capable of controlling the animal; or
- (D) Confining the animal on the premises of the owner in such a manner as to prevent its coming into contact with other animals or the public.

18. VICIOUS DOGS.

- (A) The Administrator shall follow the statutory procedures set forth in 510 ILCS 5/15 as currently enacted and as may be amended in the future in investigating and determining whether to seek a judicial determination declaring a dog to be a vicious dog. The owner of the dog is entitled to

the procedures and remedies set out in 510 ILCS 5/15 as currently enacted and as may be amended in the future.

(B) The Administrator shall determine whether a dog sought to be declared vicious shall be confined during the pendency of the case. The owner of the dog sought to be declared vicious shall be responsible for any costs associated with the confinement of the animal during the pendency of the case.

(C) If a dog is found to be a vicious dog:

(1) the owner shall pay a public safety fine to be deposited into the County Animal Control Fund; The fine assessed will be established by the Jackson County Animal Control Fees Ordinance.

(2) 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

(3) the dog is subject to enclosure.

If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the Animal Control Fund. The Administrator may seek a judicial order to have the dog euthanized.

(D) A dog found to be a vicious dog shall not be released to the owner until the Administrator approves the proposed enclosure.

(E) No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court.

(F) 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.

(G) When the owner of a vicious dog relocates to or within the county, the Administrator must inspect and approve the enclosure in which the vicious dog is to be kept.

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

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

(2) In the case of an emergency or natural disaster where the dog's life is threatened; or

(3) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding six feet in length, and the dog is under the direct control of the owner or keeper of the dog, provided that person is a competent adult 18 years of age or older who is physically capable of controlling the dog.

(I) Any dog which has been found to be a vicious dog and which is not confined to an approved enclosure is subject to impoundment by the Administrator, an animal control officer or the law enforcement authority having jurisdiction in the area.

19. MICROCHIP IDENTIFICATION OF DANGEROUS AND VICIOUS DOGS.

(A) Any dog, or other animal that has been declared dangerous or vicious by

the Administrator shall have a microchip approved by the Administrator implanted. The microchip number shall be registered with the Administrator. The microchip shall be implanted within 30 days of the animal's designation as dangerous or vicious.

(B) It shall be unlawful for the owner of any dog or other animal declared to be dangerous or vicious to fail to comply with division (A) above.

20. APPEALS - DANGEROUS DOGS.

The owner of a dog that has been declared by the Administrator to be dangerous may appeal said designation within the statutory time limit to the Circuit Court pursuant to 510 ILCS 5/15.3 as currently enacted or amended in the future.

21. EXEMPTIONS - DANGEROUS AND VICIOUS DOGS.

(A) Guide dogs for the blind or hearing impaired, support dogs for persons with physical disabilities, accelerant detection dogs, and sentry, guard or police-owned dogs are exempt from the restrictions outlined in paragraphs 16, 17, and 18 above relating to dangerous and vicious dogs, provided the following provisions are met:

(1) The attack or injury occurred while the dog was performing duties as expected; and

(2) The dog was and continues to be inoculated against rabies in accordance with the State Animal Control Act, 510 ILCS 5/1 et seq., and county ordinances requiring same.

(B) The owner of any dog exempted under division (A) above shall provide the Administrator with a description of the dog, its breed, its name and any other identifying characteristics requested by the Administrator, and shall further notify the Administrator of any change of address.

(C) The owner of any sentry or guard dog exempted under division (A) above shall keep the Administrator advised of the location where the dog will be stationed.

(D) Any dog exempted under division (A) above, when not under the direct control by leash and muzzle or other recognized control methods, shall be confined in such a manner as to prevent it from attacking or injuring any person who is peacefully conducting himself or herself where he or she lawfully may be.

22. ANIMAL ATTACKS OR INJURIES. If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.

23. OWNER LIABLE FOR LIVESTOCK DAMAGE. The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any livestock, poultry, or Equidae belonging to that person. The person suffering damages to his or her livestock, poultry, or Equidae is entitled to certain compensation from the Animal Control Fund if he or she is a resident of Illinois and reports the injury or killing to the Administrator within 24 hours of the occurrence.

The Administrator will comply with the portion of the Animal Control Act concerning claims and compensation set out in 510 ILCS 5/19-20 as currently enacted and as may be amended from time to time.

24. DANGEROUS ANIMALS.

A. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure.

B. It is no defense to a violation of this Section that the person violating such Section has attempted to domesticate the dangerous animal.

25. ANIMAL TREATMENT.

(A) No person shall cruelly treat, inhumanely kill or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed, any animal by beating, torturing, mutilating, poisoning, starving or overworking either his or her own dog, cat or other animal, or an animal belonging to another person.

(B) No person shall unnecessarily fail to provide any animal in his or her charge, or custody as owner or otherwise, with:

- (1) a sufficient quantity of good quality, wholesome food and water;
- (2) adequate shelter and protection from the weather;
- (3) veterinary care when needed to prevent suffering; and
- (4) humane care and treatment.

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

(D) No person may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

(E) The County Board, the Administrator and their agents, employees and assigns shall comply with and enforce all provisions of the State Humane Care for Animals Act as currently enacted and as may be amended in the future.

(D) The State's Attorney of the County is specifically authorized by the County Board to file a complaint to enjoin persons from inhumanely or cruelly treating animals and is specifically directed to abate the same and to enjoin the owner from continuing to perpetrate such treatment by the owner, pursuant to law and the aforesaid statute.

26. EXEMPTION FROM LIABILITY.

The County Board, the Administrator, and their agents, employees and assigns including the Animal Control Officers are exempt from liability as described in 510 ILCS 5/35.

27. CITATIONS. Animal Control Officers and peace officers of the County may issue citations to the owners of dogs for violations of Paragraph 6, 7, and 10 of this Ordinance in lieu of or in addition to impounding the dog. The penalty for violation of paragraph 6, 7, and 10 shall be in addition to any other fee, charges, or penalties payable pursuant to this Ordinance and the Jackson County Animal Control Fees Ordinance. When such a citation is

issued an appearance date of not less than ten (10) days and not more than forty-five (45) days shall be entered by the officer of the citation.

The owner of the dog, cat or other animal receiving the citation may plead guilty to the offense charged in the citation prior to the scheduled appearance date by so indicating on the citation and paying a fine of \$25.00 for the first offense; \$50.00 for the second offense; \$75.00 for the third offense; and \$500.00 for each additional offense plus costs to the Circuit Clerk.

28. PENALTIES. Any person violating any provision of this Ordinance, or counterfeiting or forging any rabies inoculation certificate may be prosecuted for a petty offense and upon conviction thereof will be fined in an amount of no less than \$75.00 and not more than \$500.00.

Upon demonstration of hardship by the owner or other person cited with violating this ordinance, the Administrator may take into consideration the circumstances and waive or abate fines and fees in ordinance violation cases.

29. SEVERABILITY. The invalidity of provision or parts of provisions of this Ordinance or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Ordinance.

EFFECTIVE DATE: This Ordinance shall take effect upon adoption by the Jackson County Board.

Adopted at the regular monthly meeting of the Jackson County Board held on 24th March, 2024.



C. J. Calandro
Chairman

ATTEST:



Frank L. Byrd
Jackson County Clerk