

MACON COUNTY ANIMAL CONTROL ORDINANCE No.0-67-6-07

(Amended)

.01 Short Title. This Ordinance Shall Be Known as The Macon County Animal Control Ordinance.

.02 DEFINITIONS.

Whenever used herein, the following words shall have the meaning set after them as follows:

- (a) *Administrator* – a veterinarian licensed by the State of Illinois and appointed by the Macon County Board pursuant to the State of Illinois “Animal Control Act” as amended.
- (b) *Breedable females* – any dog or cat that is six (6) months or older and is not spayed.
- (c) *Breeder permit* – A permit obtained from Macon County Animal Control.
- (d) *Cat* – all members of the family feline.
- (e) *County* – County of Macon.
- (f) *Direct, effective, physical control* – mechanical exercise or authority over a dog or other animal by the person in control of the animal, by means of a leash, cord, rope, strap or chain which shall be fastened to the collar or harness of the animal and of sufficient strength to control the dog or animal.
- (g) *Dog* – all members of the family canidae.
- (h) *Competent person* – a human being over the age of fifteen (15) years that is capable of controlling and governing the dog or cat in question.
- (i) *Impoundment* – Animals taken up under the forgoing provisions hereof shall be impounded in some suitable place provided by the County by contract or otherwise.
- (j) *Inoculated against rabies* – The injection of an antirabies vaccine given by a licensed veterinarian.
- (k) *Multiple pet license* – A license obtained from Macon County Animal Control.

- (l) *Multiple pet owner* – means any person who harbors or allows more than seven dogs or cats, or any combination thereof, over four months of age on their property or in their dwelling unit.
- (m) *Owner* – any person having a right of property in a dog or other animal or who keeps or harbors a dog or other animal or who has it in his care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.
- (n) *Own* – have a right of property in, or keep, or harbor, or act as custodian of, or have the care of, or knowingly permit, or encourage, to remain on or about premises occupied by the owning person.
- (o) *Public Safety Agency* – a functional division of a public agency which provides fire fighting, police, medical, or other emergency services.
- (p) *Registration Certificate* – a document or writing furnished by the Macon County Animal Control upon proper registration and upon payment of the registration fee herein imposed, unless exempt from payment of the registration fee.
- (q) *Registration Tag* – a tag, disk, plate of suitable and durable material furnished by the Macon County Animal Control.
- (r) *Run at Large* – suffering or permitting, or causing an animal to be at any place within the County, at any time, outside an escape-proof building or other enclosure without such animal being under direct, effective physical control of the owner thereof, or his agent, or a member of the immediate family of said owner.
- (s) *Shelter* – a building which has four sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.
- (t) *Straying* – a dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods.
- (u) *Tether* – a method of securing an animal to a stationary object.

1. **Sanitation.** All companion animal kennels, pens, enclosures or areas in which any such animal is kept must be maintained in a sanitary manner without the accumulation of dirt, offal, or urine and in such a manner as to prevent any disagreeable odor. (Authority Source: 510 ILCS 5/24)

2. **Animals Running at Large.** Every owner of an animal shall contain such animal to the confines of the owner's real property unless the animal is under restraint and shall not permit such animal to be at large. Any animal found running at large in unincorporated areas of the county in violation of this section may be apprehended and impounded. (Authority Source: 510 ILCS 5/9 – 510 ILCS 5/24)

The provisions shall not apply to:

- (a) Dogs being used in hunting, field trials: and
- (b) Dog shows while on public lands set aside for those purposes:
- (c) Blood hounds or other dogs used for tracking in conjunction with police activities.
- (d) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes.
- (e) Dogs confined upon the property of another with the permission of the Property owner or resident of such property.
- (f) Dogs and cats which are not located within the unincorporated areas of the County which have been subdivided for residential purposes.

(Previously read: Running at Large Prohibited. No owner shall permit or suffer a dog to run at large at any time within unincorporated areas of the County which have been subdivided for residence purposes)

3. **Rabies Inoculation- Dogs and Cats.** No person shall own within the County a dog or cat four months or more of age which has not been inoculated against rabies. No person shall fail to vaccinate a dog or cat within 30 days following the vaccination due date. (Authority Source: 510 ILCS 5/8) (combined 5 and 6 from old ordinance)

4. **Biting Animals.** Any animal which shall bite a person so as to cause an abrasion or laceration or puncture of the skin of such person, is hereby declared to be a nuisance and such animal shall be taken up and impounded as hereafter provided. (Authority Source: 510 ILCS 5/13)

5. **Registration.** No person shall own a dog or cat four months or more of age within the County unless said dog or cat has been registered in accordance with State Law and the provisions of this Ordinance.(Authority Source: 510 ILCS 5/24)

6. **Tag Worn.** Each registered animal shall be provided by the owner with a suitable collar or harness to which the registration tag for that animal shall be securely attached. Both collar or harness and registration tag shall be worn by such animal at all times. Any dog or cat found within the County, whether running at large or otherwise, without a registration tag thereon may be impounded as herein provided. (Authority Source: 510 ILCS 5/24)

7. **Harboring Stray Animals(s) Restricted.** No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying Macon County Animal Control within 48 hours. (Authority Source: 510 ILCS 5/24)

8. **Nuisance Animal.** No person owning, possessing or harboring any animal within the unincorporated area of the county shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

(a) Substantially damages property other than the owner's.

(b) Causes a disturbance by excessive barking, caterwauling or noisemaking.

(e) Chases, attacks, bites, or interferes with or physically intimidates any person while on the premises of the owner in unincorporated areas of the County which have been subdivided for residential purposes.

(f) Chases, molests, attacks, bites, or interferes with other domestic animals while off of the premises of the owner.

The administrator or animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (e) or (f) above and not restrained by a competent person. (Authority Source: 510 ILCS 5/24)

9. Adequate Space – Tethering of Animals.

(a) No person shall fail to provide any animal with adequate space. “Adequate space” means sufficient space to allow each animal to easily stand, sit, lie, turn about and make all other normal body movements in a comfortable, normal position for the animal and to interact safely with other animals in the enclosure.

(b) When a dog is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal (no more than 1/10 of the animal’s body weight). A tether must be attached to the animal by a properly applied collar, halter or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal. (Authority Source: 510 ILCS 5/24)

10. Humane Care of Animals. No person shall fail to provide any animal in his/her charge or custody, as owner or otherwise, with proper and necessary food, drink, shelter, heat, air, sanitation or veterinary care.(Authority Source: 510 ILCS 70/3)

11. Abandonment of Animal. No person shall abandon an animal within the County where it may become a public charge or may suffer injury, hunger or exposure. (Authority Source: 510 ILCS 70/3.01)

12. **Multiple Pet License.** No person shall own or allow more than seven dogs, cats or a combination thereof on any one property or dwelling unit without obtaining a Multiple Pet license from Macon County Animal Control. (Authority Source: 510 ILCS 5/24)

13. **Breeder Permit.** No person shall breed any dog or cat without obtaining a permit from Macon County Animal Control. No puppies or Kittens shall be advertised, sold or given away without supplying a permit number. (Authority Source: 510 ILCS 5/24)

14. **Female Dogs and Cats in Heat.** Every owner of a female dog or cat shall maintain such dog or cat in a manner that prevents unplanned breeding. (Authority Source: 510 ILCS 5/24)

15. **Registration Procedures**

(a) All dogs and cats kept and maintained within the County shall be registered by the owner or owners thereof with Macon County Animal Control through its authorized agents. Such registration shall be valid for one year from the date of a one-year vaccination, and three years from the date of a three year vaccination. The annual registration fee for dogs and cats registered within 30 days of inoculation against rabies shall be Ten dollars (\$10.00) if the dog or cat is spayed or neutered and Thirty-Five Dollars (\$35.00) if the dog or cat is not so altered. The owner or owners thereof shall remit the required registration fee for each dog or cat at the time of inoculation. The veterinarian who inoculated the dog or cat shall collect the registration fees. The veterinarian shall remit the registration fees collected to the Macon County Animal Control through its authorized agent. If the vaccination is obtained out of county, the registration fee must be paid to the authorized agent for collection for Macon County Animal Control. The registration fee for any dog or cat registered more than 30 days after the date of inoculation against rabies shall be double the original fee. Exempt from the registration fee are trained public safety agency owned dogs maintained by public safety officers for use in public safety duties fulltime, with proof of such certified by the public safety agency's Chief or other agency head.

(b) Upon payment of the annual registration fee, unless exempt for such payment, a registration certificate will be issued by the veterinarian who shall remit the original to the Macon County Animal Control through its authorized agent. A copy of said certificate shall be kept by the owner and the veterinarian inoculating the dog or cat. The Registration Certificate

shall be appropriately numbered and serially filed by the authorized agent of Macon County Animal Control.

(c) The provisions of this section shall not apply to dogs or cats the owners of which are not residents within the County and are temporarily within the County for a period of less than thirty days, nor shall they apply to feral cats.

16. Registration Tag.

(a) At the time an animal is registered as herein provided, the veterinarian who inoculated the dog or cat shall issue a registration tag furnished by the Macon County Animal Control through its authorized agent bearing a number corresponding with the number on said registration certificate. The registration tag must be obtained from the authorized agent of Macon County Animal Control when a vaccination is obtained out of county after presenting proof of rabies vaccination. Registration tags must be of suitable, durable material and of a size suitable to be affixed to a collar worn by the registered animal. Registration tags shall be varied either in color or in shape from registration period to registration period so that tags issued for a registration period may be readily distinguished from tags issued for prior periods in near proximity of time.

(b) Duplicate registration tags shall be issued by the authorized agent of Macon County Animal Control in the event the original tag is lost or destroyed, upon presentation of evidence or the prior payment of registration fee, unless exempt, for the animal for the current registration period along with an application for such duplicate registration tag and the payment of a fee equivalent to the cost for the duplicate tag.

17. Non-transferable. Neither registration certificates nor registration tags shall be transferable. There shall be no refund for any reason of registration fee.

18. Impounding. Any animal running at large at any time contrary to the provisions of this Ordinance shall be taken up and impounded as hereinafter provided. 510 ILCS 5/9

19. Redemption by person other than owner. Upon expiration of 7 days from the date of impoundment, an unclaimed dog or cat, which has been deemed suitable for adoption by the animal control officer or Administrator, may be adopted by any person other than the owner

upon payment of the adoption fee and approved application. If no placement is available or the animal is deemed unadoptable, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. 510 ILCS 5/11

20. Diseased or injured animals. Any animal which does not exhibit a valid vaccination, registration tag or current microchip and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by the administrator or his/her designated agent, may be subjected to disposal at the earliest possible time by Macon County Animal Control personnel. Animals with a known or incapacitated owner will be transported to a Veterinarian of Animal Control's choice for recommendation of treatment. Any expense incurred during the period of impoundment, including Veterinary bills, shall be paid by the owner prior to release of the impounded animal.

21. Enforcement officers not responsible for accident or disease to any dog or cat. The administrator, manager, animal control wardens or anyone enforcing the provisions of this article shall not be held responsible for any accident or disease that may happen to any dog or cat.

22. Multiple-pet license.

(a) Multiple-pet owners shall obtain an annual license from the county. Such license shall be obtained no later than 30 days after assuming ownership of a eighth animal and shall be renewed annually by January 1st. The multiple-pet license shall not exempt such licensee from payment of county registration fees for each dog or cat owned by him/her.

(b) This section shall not apply to persons licensed with The Illinois Department of Agriculture pursuant to 225 ILCS 605/3 and 225 ILCS 605/3.2. These persons will still be required to comply with all other County ordinances.

23. Multiple pet-owner licensee requirements.

An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspection shall be performed upon receipt of a citizen's complaint that is not anonymous. Annual inspections may be required for multiple-pet owners where an inspection has shown marginally acceptable standards. Such inspection may be performed by Macon County Animal Control. Failure to comply with a request for inspection

is a violation of this ordinance. Holders of multiple-pet licenses shall conform to the following requirements:

- (a) All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.
- (b) All dogs and/or cats must be provided with a fresh water **daily**, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.
- (c) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:
 - (1) Be cleaned of feces and urine **on a daily basis**.
 - (2) Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
 - (3) Be well ventilated and maintain appropriate temperature (follow USDA guidelines) to prevent suffering.
- (d) The dogs and/or cats shall be prevented from running at large.
- (e) The dogs and/or cats shall be prevented from causing a nuisance pursuant to County Ordinance.
- (f) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.
- (g) The applicant shall not have been convicted of or received Supervision or Conditional Discharge through an agreement with the States Attorney's Office of any violation of the Animal Control or Humane Care for Animals Act **within the previous two years** from the date of application.
- (h) The owner shall immediately notify the Animal Control Administrator of any change in the animals governed by the multiple pet license including the rabies vaccination and registration required pursuant to this article.

24. Revocation of multiple-pet license.

(a) Upon conviction of a violation of the **Animal Control or Humane Care for Animals Act**, the administrator shall revoke the multiple pet license for a period of not more than five years, the length of the revocation period to be determined by the number and severity of the

violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license and must submit to yearly inspections.

(b) Upon revocation of the license, the owner shall relinquish ownership of his/her animals to the Administrator.

25. Impoundment of multiple pets.

(a) The Administrator may impound the dogs and/or cats of any multiple-pet owner if such owner does not hold a multiple-pet license.

(b) Such animals shall be redeemed by the owner upon payment to the Administrator the lawful fees accrued pursuant to this chapter and after application and approval for a multiple-pet owner license.

26. Breeder's Permit. Any person breeding dogs or cats must obtain a Breeders Permit. With this permit an owner will be allowed to breed the female animal once a year. The female animal will be required to have current vaccinations and be proven to be in good health prior to the breeding. All puppies or kittens will be required to be at least 8 weeks of age and must have had their first set of vaccinations before being transferred to their new owner. A copy of the animal's vaccination record and Breeder's Permit number shall be given to the new owner of the animal. The Breeder's Permit number must be included in any and all advertising for the puppies or kittens.

(a) This section shall not apply to persons licensed with the Illinois Department of Agriculture pursuant to 225 ILCS 605/3 and 510 ILCS 5/2.18. These persons will still be required to comply with all other County ordinances.

27. Enforcement.

(a) It shall be the duty of Macon County Animal Control, and other persons so authorized by the County, by contract or otherwise, to investigate violations of this Ordinance and to enforce the provisions of this Ordinance. Such enforcement shall include the issuance of warnings, the issuance of citations, taking and impounding of animals in violation hereof, and any other means necessary to enforce and effectuate the purposes of this Ordinance.

- (b) No person shall in any way interfere, attempt to interfere, or cause another person or animal to interfere or attempt to interfere with any authorized person engaged in the performance of his or her duties under this Ordinance.

28. Citations.

- (a) Whenever a police officer or other person duly authorized by the County to enforce this Ordinance witnesses or has knowledge, based on reasonable grounds, of a violation by any person of any section of this Ordinance, such person may be issued a citation for said violation by the Animal Control Warden or other person duly authorized by the County to enforce this Ordinance.

- (b) A citation issued hereunder shall be in writing and shall:

- (1) State the name of the person being cited, and said person's address, if known;
- (2) Set forth the specific section of this Ordinance that was violated, the date of the violation, and a brief description of the violation;
- (3) State the amount to be paid to the County due to such violation, and where and when such payment may be made;
- (4) State that upon failure to pay the amount of the citations in the time allowed as herein provided, said person will be subject to prosecution by the County for such violation; and,
- (5) Be signed by the issuing Animal Control Warden or other person duly authorized by the County to enforce this Ordinance.

- (c) Citations shall be in the following amounts:

- (1) \$75.00 for the first violation.
- (2) \$150.00 for the second violation.
- (3) \$200.00 for third and subsequent violations.
(Previously \$35.00 for all violations)

Macon County Animal Control reserves the right to issue Warnings, Citations, Education and/or to impound animals.

29. Payment of Citations.

- (a) A person cited for a violation of any section of this Ordinance as herein provided may terminate any further proceedings by the County due to said violations by making payment to the County at the office of the Macon County Animal Control or its authorized agent in the amount of the citation. Payment will be considered as being made only when the Macon County Animal Control or its authorized agent is in receipt of the full amount. If a person is cited for more than one violation of this Ordinance on a single citation, the amount must be paid for each violation listed in order to terminate any further proceedings.
- (b) If a person is given a citation for a violation as herein provided, no complaint may be filed by any attorney on behalf of the County in any court having jurisdiction thereof seeking to prosecute and fine such person for said violation sooner than **thirty (30)** days after such citation is issued, and no such complaint may be filed if the citation is timely paid.
- (c) The Macon County Animal Control may accept payment of a citation issued hereunder tendered after the **thirty-day** period provided for herein, and upon such acceptance no prosecution for the violation may be filed or pursued by the County.

30. Penalty. Any person, firm or corporation who shall violate any of the provisions hereof, shall, upon conviction be fined not less than Fifty Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and every day on which a violation occurs or continues shall be considered a separate offense. (Previously \$25.00 and \$500.00)

Color Chart

Black-Existing Macon County Ordinances

Red-New or changed Macon County Ordinances

Blue-On any changed Ordinances, shows what changes have been made.

Green- revisions made after EEHW 2-19-09 and prior to County Board Meeting 3-12-09.

Purple- revisions made after County Board meeting 3-12-09