

# Montgomery County Animal Control Ordinance

Adopted October 11<sup>th</sup>, 2005  
Revised – June 10<sup>th</sup>, 2008

## “Index”

Page 1, 2 – Index to the Montgomery County Animal Control Ordinance	
Page 3 -- Montgomery County Animal Control Ordinance Resolution	
Page 4 -- (MCACO – 1/1).....	“Definitions”
Page 4 -- (MCACO – 1/2).....	“Administrator”
Page 4 -- (MCACO – 1/3) (510 ILCS 5/2.02).....	“Animal”
Page 4 -- (MCACO – 1/4).....	“Animal Control Warden”
Page 4 -- (MCACO – 1/5) (510 ILCS 5/2.03a).....	“Business Day”
Page 4 -- (MCACO – 1/6).....	“Board”
Page 4 -- (MCACO – 1/7) (510 ILCS 5/2.04a).....	“Cat”
Page 4 -- (MCACO – 1/8).....	“Confined”
Page 4 -- (MCACO – 1/9).....	“Dangerous Dog/Dogs”
Page 4 -- (MCACO – 1/10) (510 ILCS 5/2.06).....	“Department”
Page 5 -- (MCACO – 1/11).....	“Deputy Administrator”
Page 5 -- (MCACO – 1/12) (510 ILCS 5/2.08).....	“Director”
Page 5 -- (MCACO – 1/13) (510 ILCS 5/2.11).....	“Dog”
Page 5 -- (MCACO – 1/14).....	“Enclosure”
Page 5 -- (MCACO – 1/15) (510 ILCS 5/2.11b).....	“Feral cat”
Page 5 -- (MCACO – 1/16).....	“Fund”
Page 5 -- (MCACO – 1/17) (510 ILCS 5/2.11c new).....	“Intact Animal”
Page 5 -- (MCACO – 1/18) (510 ILCS 5/2.12).....	“Has Been Bitten”
Page 6 -- (MCACO – 1/19).....	“Impounded”
Page 6 -- (MCACO – 1/20) (510 ILCS 5/2.13).....	“Inoculation against Rabies”
Page 6 -- (MCACO – 1/21) (510 ILCS 5/2.14).....	“Leash”
Page 6 -- (MCACO – 1/22) (510 ILCS 5/2.15).....	“Licensed Veterinarian”
Page 6 -- (MCACO – 1/23).....	“Owner”
Page 6 -- (MCACO – 1/24) (510 ILCS 5/2.17).....	“Person”
Page 6 -- (MCACO – 1/25) (510 ILCS 5/2.17a).....	“Peace Officer”
Page 6 -- (MCACO – 1/26) (510 ILCS 5/2.17b).....	“Police Animal”
Page 6 -- (MCACO – 1/27).....	“Pound” or “Animal Control Facility”
Page 6 -- (MCACO – 1/28) (510 ILCS 5/2.18a).....	“Physical Injury”
Page 7 -- (MCACO – 1/29).....	“Registration Certificate”
Page 7 -- (MCACO – 1/30) (510 ILLS 5/2.19a).....	“Serious Physical Injury”
Page 7 -- (MCACO – 1/31).....	“Stray Dog”
Page 7 -- (MC.CO – 1/32) (510 ILCS 5/2.19b).....	“Vicious Dog”
Page 7 -- (MCACO – 1/33).....	Appoint Administrator/County Board

Page 8 -- (MCACO – 1/34).....	Duties and Powers
Page 8 -- (MCACO – 1/35).....	Remittance of Rabies Tag Fees to the Animal Control Fund
Page 8 -- (MCACO – 1/36).....	Inoculation Against Rabies Required
Page 9 -- (MCACO – 1/37).....	Dogs Running at Large-Impoundment
Page 9 -- (MCACO – 1/38).....	Presence of Microchip & Impoundment
Page 9, 10 -- (MCACO – 1/39).....	Dogs not Redeemed
Page 10 -- (MCACO – 1/40).....	Limitations on Dogs & Cats Kept per Owner
Page 11 -- (MCACO – 1/41).....	Animals Exhibiting Signs of Rabies
Page 11 -- (MCACO – 1/42).....	Dog, Cat & Animal Bite; Observation of Animal
Page 11 -- (MCACO – 1/43).....	Prevention of Spread of Rabies – Powers
Page 11, 12, 13 -- (MCACO – 1/44).....	Vicious Dog
Page 13, 14 -- (MCACO – 1/45).....	Dangerous Dog Determination
Page 14 -- (MCACO – 1/46) (510 ILCS 5/15.2 new).....	Dangerous Dogs Leash
Page 14, 15 -- (MCACO – 1/47).....	Dangerous Dog Appeal
Page 15 -- (MCACO – 1/48) (510 ILCS 5/16).....	Liability of Owner of Dog Attacking...
Page 15 -- (MCACO – 1/49).....	Micro-Chipping Clinic & Expense
Page 15 -- (MCACO – 1/50) (510 ILCS 5/17).....	Right of Entry-Inspections
Page 15 -- (MCACO – 1/51) (510 ILCS 5/18).....	Dog Injuring Livestock
Page 15 -- (MCACO – 1/52) (510 ILCS 5/18.1).....	Liability of Dog Owner, Damages Caused to Livestock
Page 16 -- (MCACO – 1/53).....	Reimbursement to Owner of Domestic Animals Killed or Injured by Stray
Dog...	
Page 16 -- (MCACO – 1/55).....	Payment to owner of Domestic Animals
Page 16 -- (MCACO – 1/56).....	Powers of Municipalities and Other Political Subdivisions to Regulate Dogs....
Page 16 -- (MCACO – 1/57).....	Effect of Invalid Section, Part of Section, Rules or Regulation
Page 16, 17 -- (MCACO – 1/58).....	Violations-Punishment
Page 17 -- (MCACO – 1/59).....	Rules
Page 17 -- (MCACO – 1/60) (510 ILCS 5/35 new).....	Liability
Page 18 -- (MCACO – 1/61).....	Fees & Fines

STATE of ILLINOIS )  
 ) SS  
ILLINOIS

ORDINANCE PROVIDING FOR  
ANIMAL CONTROL IN  
MONTGOMERY COUNTY,

COUNTY of MONTGOMERY )  
NO. \_\_\_\_\_

This Ordinance shall be known and referred to as the MONTGOMERY COUNTY ANIMAL CONTROL ORDINANCE.

**WHEREAS**, the Montgomery County Board has determined that it is in the best interest of Montgomery County that an Ordinance be established providing for animal control in concurrence with the State of Illinois Animal Control Act; and

**WHEREAS**, Illinois Compiled Statutes, Chapter 55, Para, 5/5-1071 gives the County the power to regulate and prohibit the running at large of dogs in certain areas of the County; and

**WHEREAS**, Illinois Compiled Statutes, Chapter 510, Para, 5/1 et seq. required the County to effectuate a program for stray animal control and rabies prevention and through Public Act 094-0639 the spaying, neutering and sterilization of dogs and cats; and

**WHEREAS**, the Montgomery County Board desires to establish an Animal Control Program and adopt by Ordinance the provisions of an Animal Control Act for the State of Illinois set forth in Chapter 510, Section 5/1 et seq. of the 1992 Illinois Compiled Statutes.

**NOW, THEREFORE, BE IT ORDAINED** by the Montgomery County Board as follows:

1. That provisions of the Animal Control Act set forth in Chapter 510, Section 5/1 et seq. of the 1992 Illinois Compiled Statutes as now exists or as may be amended from time to time hereafter are hereby adopted by the Montgomery County Board and incorporated herein by reference thereto.

Revisions of the Animal Control Ordinance Approved and Adopted this 13<sup>th</sup>, Day of May 2008

\_\_\_\_\_  
Mike Plunkett, Montgomery County Board Chairman

ATTEST:

\_\_\_\_\_  
Sandy Leitheiser, Montgomery County Clerk & Recorder

(MCACO – 1/1)

**a. Definitions:** As used in this Ordinance, the following items shall have the following meanings:

(MCACO – 1/2)

**b. "Administrator"** means -- the County Coordinator is appointed by the County Board for the purpose of overseeing the Animal Control Program. An administrator may be a veterinarian licensed by the State or a non-veterinarian. In the event that the appointed Administrator is not a veterinarian, the Administrator will defer to a licensed veterinarian regarding all medical decisions for the animals.

(MCACO – 1/3)

**c. "Animal"** means -- every living creature other than man, which may be affected by rabies. (510 ILCS 5/2.02) (Source: P.A. 93-548)

(MCACO – 1/4)

**d. "Animal Control Warden"** means -- any person approved by the County Coordinator and appointed by the County Board, to perform the duties set forth in this Ordinance.

(MCACO – 1/5)

**e. "Business Day"** means -- any day including holidays that the animal control facility is open to the public for animal reclaims. (510 ILCS 5/2.03a) (Source: P.A. 93-548)

(MCACO – 1/6)

**f. "Board"** means -- the Montgomery County Board.

(MCoCO – 1/7)

**g. "Cat"** means -- Felis Catus. (510 ILCS 5/2.04a) (Source: P.A. 93-548)

(MCACO – 1/8)

**h. "Confined"** means -- restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public which has been inspected and deemed suitable by the Administrator and/or Animal Control Warden.

(MCACO – 1/9)

**i. "Dangerous Dog/Dogs"** means – (i) any individual dog or group of dogs anywhere other than upon the property of the owner or custodian of the dog/dogs and un-muzzled, unleashed, or unattended by its owner/owners or custodian/custodians that behaves in a manner, which is believed to pose an unjustified imminent threat of serious physical injury or death to a person/persons or a companion animal/animals or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

(MCACO – 1/10)

**j. "Department"** means -- the Department of Agriculture of the State of Illinois. (510 ILCS 5/2.06) (Source: P.A. 78-795)

(MCACO – 1/11)

*k.* **"Deputy Administrator"** means -- a veterinarian licensed by the State of Illinois, appointed by the Administrator. In the event the deputy administrator is not a licensed veterinarian the Administrator may appoint a county employee to assist in overseeing the Animal Control Program. Anyone assisting in overseeing the animal control program shall defer to a licensed veterinarian regarding all medical decisions for the animals.

(MCACO – 1/12)

*l.* **"Director"** means -- the Director of the Department of Agriculture of the State of Illinois, or his/her duly appointed representative. (510 ILCS 5/2.08) (Source: P.A. 78-795)

(MCACO – 1/13)

*m.* **"Dog"** means -- all members of the family Canidae. (510 ILCS 5/2.11) (Source: P.A. 78-795)

(MCACO – 1/14)

*n.* **"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 dangerous or vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the dangerous or vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be created to prevent the animal from escaping from the enclosure, which shall be inspected by the Administrator and/or Animal Control Warden to be deemed as a suitable 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 dangerous or vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(MCACO – 1/15)

*o.* **"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. (510 ILCS 5/2.11b) (Source: P.A. 93-548)

(MCACO – 1/16)

*p.* **"Fund"** means -- the Montgomery County Animal Population Control Fund established in this Ordinance or the Pet Population Control Fund established by the State.

(MCACO – 1/17)

*q.* **"Intact Animal"** means -- an animal that has not been spayed or neutered. (510 ILCS 5/2.11 new)

(MCACO – 1/18)

*r.* **"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. (510 ILCS 5/2.12)(Source: P.A. 78-795)

(MCACO – 1/19)

*s.* **"Impounded"** means -- taken into custody to the county animal control facility by the Montgomery County Animal Control Warden or designated appointee of the Animal Control Program.

(MCACO – 1/20)

**t. "Inoculation Against Rabies"** means -- the injection of an anti-rabies vaccine approved by the Department. (510 ILCS 5/2.13) (Source: P.A. 78-795)

(MCACO – 1/21)

**u. "Leash"** means -- a cord, rope, strap, or chain, which shall be securely fastened to the collar of the harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. (510 ILCS 5/2.14) (Source: P.A. 78-795)

(MCACO – 1/22)

**v. "Licensed Veterinarian"** means -- a veterinarian licensed by the State in which he/she engages in the practice of veterinary medicine. (510 ILCS 5/2.15) (Source: P.A. 78-795)

(MCACO – 1/23)

**w. "Owner"** means -- any person having a right of property in an animal, or who keeps or harbors an animal for more than 3 days, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him/her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(MCACO – 1/24)

**x. "Person"** 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. (510 ILCS 5/2.17) (Source: P.A. 78-795.)

(MCACO – 1/25)

**y. "Peace Officer"** has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961. (510 ILCS 5/2.17a) (Source: P.A. 93-548)

(MCACO – 1/26)

**z. "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. (510 ILCS 5/2.17b) (Source: P.A. 93-548)

(MCACO – 1/27)

**aa. "Pound" or "Animal Control Facility"** may be used interchangeably and mean any facility approved by the County Board for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

(MCACO – 1/28)

**bb. "Physical Injury"** means the impairment of physical condition. (510 ILCS 5/2.18a) (Source: P.A. 93-548)

(MCACO – 1/29)

**cc. "Registration Certificate"** means -- a printed form prescribed by the Administrator for the purpose of recording pertinent information as required by the Department and adopted by the County Board under this Ordinance.

(MCACO – 1/30)

**dd. "Serious Physical Injury"** means -- a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery. (510 ILCS 5/2.19a) (Source: P.A. 93-548)

(MCACO – 1/31).

**ee. "Stray Dog"** means – any dog that does not have an owner, is not claimed by its owner or is not property owned.

(MCACO – 1/32)

**ff. "Vicious Dog"** means -- 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. (510 ILCS 5/2.19b) (Source: P.A. 93-548)

(MCACO – 1/33)

**gg. Appointment of Administrator:** The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with consent of the County Board. **County Board:** 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 shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Ordinance. 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 Fund. The Board is authorized by Ordinance to require the registration and may require micro-chipping of dogs and cats. The Board shall impose an individual dog and cat registration fee with a minimum differential of \$10 for intact dogs and cats. Ten dollars of the differential shall be placed in the County Animal Population Control Fund. The \$10.00 differential that is received from registration fees will be placed in the fund to be used for; (i) rabies vaccination clinics for dogs and cats, (ii) spaying, neutering or sterilizing adopted dogs and cats (iii) spaying and neutering dogs and cats owned by low income county residents who are eligible for the food stamp program, and (iiii) to aid in promoting the sterilization program, to educated the public about the importance of spaying and neutering and for reasonable administrative and personnel costs related to the fund. 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. When animals are scanned for microchips, the microchip number may serve as the county animal control registration number.

(MCACO – 1/34)

**hh. Duties and Powers:** (a) It shall be the duty of the Administrator, Animal Control Warden and County Veterinarian(s), 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. (b) The Administrator and/or Animal Control Warden may issue and serve citations and orders for violations of this Ordinance. ***Whenever any person charged with an offense, which is payable at the County Circuit Clerks Office, shall fail to appear and pay his fine in the time prescribed, the administrator may cause a complaint to be filed against such person for such violation. The State's Attorney to whom the Administrator reports any violation of this Ordinance shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.*** The Administrator and/or Animal Control Warden may not carry

weapons unless they have been specifically authorized to carry weapons by county ordinance. Through County Board approval, the Animal Control Warden, may use a tranquilizer gun and/or other non-lethal weapons and equipment that do not require specific weapons authorization, after he/she has been properly trained. (c) Upon request by the Administrator and/or Animal Control Warden, the Sheriff's Department and/or municipal Police Officers shall assist the Administrator and/or Animal Control Warden in carrying out the provisions of this Ordinance when their presence is needed. (d) The Administrator and Animal Control Wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(MCACO – 1/35)

**ii. Remittance of Rabies Tag Fees to the Animal Control Fund:** All rabies tag fees collected shall be remitted to Montgomery County Animal Control, where the County Treasurer, shall place the monies in the Animal Control Fund. This fund shall be set up by him/her for the purpose of paying costs of the Animal Control Program. Funds will be utilized by the Animal Control Program to aid local health departments or the county nurse's office for the purchase of human rabies anti-serum, or human vaccine, the cost for administration of the serum or vaccine, minor medical care, and for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs incurred in carrying out the provisions of this Ordinance.

(MCACO – 1/36)

**ii. Inoculation Against Rabies Required:** Every owner of a dog or cat 4 months or more of age shall have each dog and cat inoculated against rabies by a licensed veterinarian. Every dog and cat shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog or cat shall obtain from the Montgomery County *Animal Control* serially numbered tags, one to be issued with each inoculation certificate. **Only one dog or cat shall be included on each certificate.** The veterinarian immunizing and/or micro-chipping an animal from Montgomery County shall provide the Administrator with a certificate of immunization and micro-chip number and collect the rabies tag fee, which is mandated by State Law. If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the *registration* fee.

(MCACO – 1/37)

**kk. Dogs Running at Large, Impoundment:** Any dog found running at large may be apprehended and impounded by the Montgomery County Animal Control Warden. 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 \$25.00 public safety fine, of which \$20.00 shall be deposited into the Pet Population Control Fund and \$5.00 to the Animal Control Fund, for any dog running at large. A dog found running at large contrary to the provisions of this Ordinance a second or subsequent time must be spayed or neutered within 14 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment. If the owner does not reclaim the animal and it is not adopted out after impoundment, the animal shall be euthanized. The owner will be responsible for any and all fines and fees incurred.

(MCACO – 1/38)

**II. Presence of Microchip & Impoundment:** When dogs or cats are apprehended and impounded they must be scanned for the presence of a microchip. Once scanned for microchips, if the presence of microchips exists in the animal, the veterinarian will inform the Administrator who shall make every reasonable attempt to contact the owner (owner defined in sec. 1/23) as soon as possible. The Administrator shall give notice of not less than seven business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal. In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

- Presenting proof of current rabies inoculation and registration, if applicable.
- Paying for the rabies inoculation of the dog or cat and registration, if applicable.
- Paying the pound for the board of the dog or cat for the period it was impounded.
- Paying into the Animal Control Fund an additional impoundment fee as set by the Board as a penalty for the first offense and for each subsequent offense.
- Paying a \$25.00 public safety fine to be deposited into the Pet Population Control Fund, the fine shall be waived if it is the dog's or cats first impoundment and the owner has the animal spayed or neutered within 14 days.
- Paying for micro-chipping and registration if the dog or cat has not already been micro-chipped or registered.
- The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Ordinance and other Illinois Animal Acts. In the event the seven (7) business days have passed and the animal has been destroyed, the owner will be responsible for any fees or fines that were incurred.

(MCACO – 1/39)

**Dogs not Redeemed, Humane Dispatch, Release without Spaying or Neutering, Prohibited Adoption:** When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, the dog(s) or cat(s) will be held for the seven days and if not adopted will be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. If the owner does not reclaim the animal and it is not adopted out after impoundment, the animal shall be euthanized. The owner will be responsible for any and all fines and fees incurred. ***Failure to pay the fines and fees incurred, the administrator may cause a complaint to be filed against such person for such violation with the State's Attorney.*** An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner, for adoption, unless the animal has been rendered incapable of reproduction, rabies vaccinated and micro-chipped, unless the person wishing to adopt an animal prior to the surgical procedures shall have signed and executed a written agreement promising to have such service performed, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring, by Montgomery County Animal Control, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund. This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Montgomery County Animal Control shall not release dogs or cats to an individual representing a rescue group unless the group has been licensed or has foster care permit issued by

the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization.

(MCACO – 1/40)

**mm. Limitations on Dogs & Cats Kept per Owner:** Montgomery County Animal Control shall reserve the right to impose limitations on how many dogs and/or cats are kept per owner (owner is defined in section 1/23) in the event any of the following investigated violations of Illinois Animal Acts or County Ordinance should occur: (i) Hoarding of animals, as defined in the Illinois Humane Care for Animals Act 510 ILCS 70/2.10. (ii) Neglect of Owners Duties to animals, as defined in the Illinois Humane Care for Animals Act 510 ILCS 70/3. (iii) or any abuse of an animal, which includes, but is not limited to; Animal Cruelty, Aggravated Cruelty and Animal Torture as defined in the Illinois Humane Care for Animals Act 510 ILCS 70/3.01,.02,.03. All of the above violations are punishable by State Law as defined in 510 ILCS 70/3.04, 3.05, 3.06...

**nn. Owners Duties:** *Each owner shall provide for each of his animals: sufficient quantity of good quality, wholesome food and water; adequate shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment. A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.*

**oo. Cruel Treatment:** *No person or owner may beat, cruelly treat, torment, starve, overwork, or otherwise abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure. A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.*

**pp. Aggravated Cruelty:** *No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the County Board. A person convicted of violating this Section is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.*

(MCACO – 1/41)

**qq. Animals Exhibiting Signs of Rabies, Confinement of Animal(s) Exposed:** The owner of any animal which exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, shall immediately notify a licensed veterinarian, the County Administrator, Animal Control Warden or County Sheriff's Department and shall promptly confine the animal, or have it confined, under suitable observation, for a period of not less than 10 days, unless officially authorized by the Administrator or licensed veterinarian, in writing, to release the animal sooner. Any other animal that has had direct contact with the alleged rabid animal and that has not been inoculated against rabies shall be confined for the observation period of 10 days as recommended by the Administrator and licensed veterinarian.

(MCACO – 1/42)

**rr. Dog, Cat & Animal Bite; Observation of Animal:** (a) Except as otherwise provided in subsection (b) of this section, when the Administrator, Animal Control Warden or licensed veterinarian receives information that any person has been bitten by an animal, the Administrator and/or Animal Control Warden, shall have such dog, cat or other animal confined under the observation of a licensed veterinarian for a period of not less than 10 days. A veterinarian shall report the clinical condition of the animal to the Administrator within 24 hours of examination. If the animal was brought to the pound by an outside source other than the Animal Control Warden and is in the rural areas of the county the veterinarian will send written confirmation to the County Administrator, with the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered so that the Administrator can notify the attending physician, responsible health agency and/or the parties involved. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him/her of the final disposition of the animal. In the case where an animal bite has taken place and evidence is presented that the animal was inoculated against rabies within the time prescribed by law, the animal shall be confined on the owners property in a manner, which will prohibit it from biting any person for a period of 10 days. The Administrator and/or Animal Control Warden, after proper arrangements for confinement have been met, will inspect the manner in which the animal is confined to determine if it is satisfactory. At the end of the confinement period, the animal shall be examined by a licensed veterinarian. If the veterinarian finds no medical reason why the animal needs continued confinement, the veterinarian shall contact the Administrator and/or Animal Control Warden on his/her findings. The Administrator and/or Animal Control Warden will then determine if the animal should be deemed dangerous or vicious before the animal is released. Any person having knowledge that a person has been bitten by an animal shall notify the Administrator, Animal Control Warden, licensed veterinarian, or County Sheriff's Department promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it has been authorized by the Administrator to be released. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred by the county in the handling of an owned animal shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25.00 public safety fine, within 30 days of the notice. (b) When a person has been bitten by a police dog, that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be

under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(MCACO – 1/43)

**ss. Prevention of Spread of Rabies, Powers:** Whenever a case of rabies has occurred in the county, or when the Administrator or proper officials of Montgomery County are apprehensive of the spread of rabies, the County shall act to prevent the spread of rabies among dogs, cats and other animals. The County may order: (i) that all dogs or other animals in the locality be, kept confined within an enclosure, kept muzzled and restrained by leash (ii) that all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies (iii) Other measures as may be necessary to control the spread of rabies. The County may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

(MCACO – 1/44)

**tt. Vicious Dog:** (a) In order to have a dog deemed "vicious", the Administrator or Deputy Administrator or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director, Sheriff's Department or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of Montgomery County to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case. A dog may not be declared vicious if the court determines the conduct of the dog was justified because: (i) 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 (ii) the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or (iii) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring. For purposes of this Section: No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed. (b) If the burden of proof has been met, the court shall deem the dog to be a vicious dog. If a dog is found to be a vicious dog, the owner shall; (i) pay a \$100 public safety fine to be deposited into the Pet Population Control Fund (ii) the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and micro-chipped, if not already, and (iii) the dog shall be subject to enclosure. If an owner fails to comply with these requirements, in a time frame specified by the Administrator, Montgomery County Animal Control shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the Montgomery County Animal Control Program for non compliance of requirements. (c) A judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, 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 where he or she has relocated and where he or she formerly resided. (d) It shall be unlawful for any person to keep or maintain any dog, which has been found to be a vicious dog unless the dog is kept in an enclosure at all times. The only time that a vicious dog may be allowed out of the enclosure are (i) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (ii) in the case of an emergency or natural disaster where the dog's life is threatened, or (iii) 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 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. (e) 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, and/or Animal Control Warden, or the law enforcement authority having jurisdiction in the county. The owner has the right to appeal the impoundment order of the animal. 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 euthenized. 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. (f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be; (i) currently inoculated against rabies in accordance with Section 1/36 of this Ordinance (ii) it shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address (iii) 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/her. (g) If Montgomery County Animal Control has custody of the dog, Animal Control may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by Montgomery County Animal Control 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, Montgomery County Animal Control may draw from the security the actual costs incurred by the agency in caring for the dog. (f) 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. (I) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and Montgomery County Animal Control or licensed veterinarian must dispose of the animal through adoption or humane euthanization.

(MCACO – 1/45)

**uu. Dangerous Dog Determination.** (a) The Administrator of the County Animal Control Program, his/her designee or the Director can make a “Dangerous Dog Determination” after a thorough investigation including: sending, within 10 business days of the Administrator 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 prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report. The Animal Control Warden, Deputy Administrator or law enforcement agent may ask the Administrator or Director to deem a dog to be "dangerous". (b) 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. (c) A dog shall not be declared dangerous if the Administrator determines the conduct of the dog was justified because: (i) 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; (ii) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring; (iii) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or (iiii) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring. (d) 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. (e) If deemed dangerous, the Administrator, designee or Director shall order; (i) the dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund, (ii) to be spayed or neutered within 14 days at the owner's expense and micro-chipped, if not already, (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 a capable adult 18 years of age or older whenever the animal is on public premises. (f) 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. (g) 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 1/35 of this Ordinance and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him/her. (h) Montgomery County Animal Control has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Ordinance.

(MCACO – 1/46)

**vv. Dangerous Dogs Leash:** 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. (510 ILCS 5/15.2 new) (Source: P.A. 93-548)

(MCACO – 1/47)

**ww. Dangerous Dog Appeal:** (a) The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the 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 clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules. (b) The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. (c) 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. (d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(MCACO – 1/48)

**xx. Liability of Owner of Dog Attacking or Injuring a Person:** If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. (510 ILCS 5/16) (Source: 78-795)

(MCACO – 1/49)

**yy. Micro-Chipping Clinic & Expense:** A clinic for microchipping companion animals of county residents may be conducted at least once a year under the direction of the Administrator for the Montgomery County Animal Control Program. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the county's animal control fund.

(MCACO – 1/50)

**zz. Right of Entry-Inspections:** For the purpose of making inspections hereunder, the Administrator, Animal Control Warden or any law enforcement officer may enter upon private premises, 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. If, after request therefore, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance. (510 ILCS 5/17) (Source: P.A. 93-548.)

(MCACO – 1/51)

**aaa. Dog Injuring Livestock:** Any owner seeing his or her livestock, poultry, or equidae being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may kill such dog. (510 ILCS 5/18) (Source: P.A. 93-548)

(MCACO – 1/52)

**bbb. Liability of Dog Owner, Damages Caused to Livestock:** The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or

killing any sheep, goats, cattle, horse, mules, poultry, ratites, or swine belonging to that person. (510 ILCS 5/18.1) (Source: P.A. 88-600)

(MCACO – 1/53)

**ccc. Reimbursement to Owner of Domestic Animals Killed or Injured by Stray Dog-Procedure:**

Any owner having livestock, poultry, or equidae killed or injured by a stray dog shall, according to the provisions of this Ordinance and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this State and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and makes an affidavit stating the number of such animals or poultry killed or injured, the amount of damages or injury, if known. The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than two witnesses. The Administrator shall determine provisions of this Section have been met and shall keep a record of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured. The Administrator shall file a written report with the County Treasurer as to the right of an owner of livestock, Poultry, or equidae to be paid out of the Animal Control Fund, and the amount of such damages claimed. The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he or she is entitled. The county board, by ordinance, shall establish a schedule for damages reflecting the current market value. If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Ordinance.

((MCACO – 1/54)

**ddd. Payment to owner of Domestic Animals:** The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog committing such injury or causing such loss for the recovery of damages therefore.

(MCACO – 1/55)

**eee. Powers of Municipalities and Other Political Subdivisions to Regulate Dogs and Other Animals:** Nothing in this Ordinance shall be held to limit in any manner the power of any municipality to prohibit animals from running at large, nor shall anything in this Ordinance be construed to, in any manner, limit the power of any municipality to further control and regulate dogs, cats or other animals in such municipality provided that no regulation or ordinance is specific to breed.

(MCACO – 1/56)

**fff. Effect of Invalid Section, Part of Section, Rules or Regulation:** The Invalidity of any Section or parts of any Section of this Ordinance or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Ordinance, or any rule or regulation

(MCACO – 1/57)

**ggg. Violations-Punishment:** (a) Any person violating or aiding in or abetting the violation of any provision of this Ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing

this Ordinance, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is, under State Law, guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor. Each day a person fails to comply constitutes a separate offense. The State's Attorney to whom the Administrator reports any violation of this Ordinance shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law. (b) If the owner of a vicious dog subject to enclosure: (i) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and (ii) the dog inflicts serious physical injury upon any other person or causes the death of another person; and (iii) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be; the owner shall be guilty of a Class 4 felony unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law. (c) If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills, a person the owner shall be guilty of a Class 4 felony.

(MCACO – 1/58)

**hhh. Rules.** The Montgomery County Animal Control Program Administrator shall administer this Ordinance and shall promulgate rules necessary to effectuate the purposes of this Ordinance. The Administrator may, in formulating rules pursuant to this Ordinance, seek the advice and recommendations of the Department of Agriculture & Bureau of Animal Welfare, humane societies and societies for the protection of animals.

(MCACO – 1/59)

**iii. Liability.** (a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park. (b) Any veterinarian or animal shelter who in good faith contacts the registered owner of a micro-chipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages. (c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages. (d) Any animal shelter worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, are liable for civil damages. (510 ILCS 5/35 new)

Passed this \_\_\_\_\_ Day of \_\_\_\_\_, 2008.

ATTEST:

---

Mike Plunkett, Board Chairman

---

Sandy Leitheiser, County Clerk/Recorder

**Montgomery County Animal Control Act**  
**Fees & Fines for Dogs & Cats**

(MCACO – 1/60)

**Fees:**

**Registration / Rabies Tag & Certificate Fees:**

- Sterile \$5.00
- Intact \$15.00 (\$10.00 to PPCF)

**Microchipping fee:** \$10.00

\*Mandatory on adopted & reclaimed animals

**Fines:**

**Non Vaccination Penalty**

Fine is enforced and animal must be vaccinated within 14 days or non compliance could result in the impoundment of animal and additional fines and fees will be assessed.

- 1<sup>st</sup> Offense Warning – Owner will be given 14 days to comply
- 2<sup>nd</sup> Offense \$10.00
- 3<sup>rd</sup> Offense \$20.00

**Running At Large:**

**County Fine:**

**Public Safety Fine**

**P.P.C.F**

- 1<sup>st</sup> Offense Warning at the discretion of Administrator and Animal Control Warden
- 2<sup>nd</sup> Offense \$25.00 \$20.00 (\$20.00 to PPCF)
- 3<sup>rd</sup> Offense \*\* \$30.00
- 4<sup>th</sup> Offense \$35.00

\*\* Must spay or neuter & microchip animal within 30 days after 3<sup>rd</sup> Offense at the Owner's Expense\*\*

**Impoundment:** Owner must pay Veterinary boarding fees in addition to the following fines:

- 1<sup>st</sup> Offense \$25.00 (PPCF) \*\*Must register animal if not already. Fine waived if animal is spayed or neutered within 14 days.
- 2<sup>nd</sup> Offense \$35.00 (\$20.00 to PPCF) Animal must be spayed or neutered within 30 days.
- 3<sup>rd</sup> Offense \$50.00 (\$20.00 to PPCF)

**Impoundment fees & fines are in addition to the following fines:**

**Biting Animal fine:** \$25.00 (\$25.00 to PPCF- Dept. Pub. Health)

**Deemed Dangerous Animal:** \$50.00 (PPCF) Must spay or neuter & Microchip at owner's Expense within 14 days.

**Deemed Vicious Animal Fine:** \$100.00 (PPCF) Must spay or neuter & Microchip at owner's Expense within 10 days.

**Abandonment of Animal:** \$500.00

**Non compliance for Vicious Animal fine:** \$500.00 and impoundment

**Illegal Dumping of Animals or Animal Abuse Fine:** \$500.00 Prosecution

**Fines & Fee Charges:** Montgomery County Board reserves the right to make necessary increases to the Fines & Fee charges. Fines or Fees increases will become effective the next day after the Full Board meeting.