

STATE OF ILLINOIS COUNTY OF Cumberland
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RECORDER DEPUTY

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Amended

AN ORDINANCE PROVIDING FOR THE CARE,
PROTECTION AND CONTROL OF ANIMALS
IN CUMBERLAND COUNTY

WHEREAS, it is in the interests of the residents of Cumberland County that provisions be made for the care, protection and control of animals in Cumberland County;

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF CUMBERLAND, as follows:

Section 1. SHORT TITLE. This ordinance shall be known and cited as the "Animal Control Ordinance."

Section 2. INTENT AND PUPOSE. It is the intent and purpose of this Ordinance to promote responsible pet ownership, to protect animals from neglect and abuse, to protect residents from annoyance, injury and property damage from animals, and to provide for education regarding the responsible ownership of pets.

Section 3. DEFINITIONS. Unless the context clearly requires, as used in this Ordinance the following words and phrases have the meaning set forth:

A. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to the provisions of this Ordinance, or his duly authorized representative.

B. "Animal" means any vertebrate member of the animal kingdom, excluding Man.

C. "Pet" means a domestic or tamed animal kept for companionship or pleasure and has on its body identification tags or a microchip.

D. "Livestock" means bison, cattle, swine, sheep, goats, equid, camelids, ratites, or fowl.

E. "Animal Control Center" means any pound, lot, premises, and/or building maintained by or under contract with the County of Cumberland for the care and custody of animals.

F. "Animal Control Warden" means any person appointed by the administrator and approved by the Board to perform duties as assigned by the Administrator to effectuate this ordinance.

G. "Board" means County Board of the County of Cumberland.

H. "Neutered or Spayed" means to make sterile and incapable of reproduction by surgical or other procedure administered by a licensed veterinarian. A dog may be considered neutered or spayed when so certified in writing by a licensed veterinarian.

I. "Owner" means 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 facilitates a temporary home, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him.

J. "Restraint" means under the control of the owner or his agent by voice command or leash, or within a vehicle being driven or parked.

K. "Stray" means any animal found running at large.

L. "Vaccination" means protection provided against rabies by inoculation with Anti-rabies vaccine as approved by the Department of Agriculture of the State of Illinois.

Section 4. ADMINISTRATION. There is hereby created the position of administrator, whose duties shall be to administer and enforce this Ordinance, and who shall be appointed by the Board.

Section 5. RULES AND REGULATIONS. The Administrator shall promulgate reasonable rules and regulations for the enforcement of this Ordinance.

Section 6. ANIMAL CONTROL WARDENS. The Administrator shall appoint, with the approval of the Board, Animal Control Wardens to assist in carrying out and enforcing the provisions of this Ordinance.

Section 7. QUALIFICATIONS OF ANIMAL CONTROL WARDEN. A Warden must have completed two (2) years of college and shall complete County Animal Controls of Illinois (CACI) Class 1 within one (1) year of employment and Class 2 within two (2) years of employment shall complete National Animal Control Association (NACA) Class 1 within one (1) year of employment and Class 2 within two (2) years of employment, or equivalent training as approved by the County Board.

Section 8. VACCINATION AGAINST RABIES. Every owner of a dog four (4) months or more of age shall cause such dog to be vaccinated against rabies by a licensed veterinarian at such intervals as may be established by regulation pursuant to the Illinois Animal Control Act. Evidence of such rabies vaccination shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian. A tag shall be issued at such time as the dog is registered in accordance with Section 9 of this Ordinance.

Section 9. REGISTRATION OF DOGS. Every owner dog shall cause such dog to be registered and shall pay an annual fee for such dog at the Office of the Animal Control Administrator or local vet of said owner(s) choice. The annual registration fee shall be \$20.00 for each dog, except the annual registration fee shall be \$10.00 for dogs that have been neutered or spayed. Each registered dog will be issued a registration certificate and a registration tag or registration/rabies vaccination tag, whichever is applicable. The tag shall be attached to a collar or harness and worn at all times by the dog for which the registration certificate and tags have been issued. Owners must register their dog(s) annually at the time of such dog(s) annual vaccination.

Section 10. POSSESSION OF STRAY ANIMALS. It shall be unlawful for any person, without the knowledge and consent of the owner or the Animal Control Warden, to retain possession of any stray animal. If any person becomes concerned with the safety, health, or welfare of any stray animal or the community at large because of the stray animal that person shall report that animal to the Animal Control Warden.

Section 11. QUARANTINED ANIMALS. All pets that have bitten a human (except owner) or any other animal or been bitten by any animal must be quarantined.

A. Any pet that has bitten a human (except owner) or any other animal or been bitten by any animal must be presented to the Animal Control Warden by that pet's owner at the Animal Control Warden's discretion. The pet shall be presented at the owner's earliest opportunity but no later than 12 hours after the owner learns of the bite.

B. All dogs that are not currently vaccinated against rabies consistent with Section 8 of this Ordinance and that have bitten a human (except owner) or any other animal or been bitten by any animal must be Quarantined at the Animal Control Facility for a period of 10 days. At the conclusion of the 10-day quarantine the dog must be presented directly to the Animal Control Administrator or at the discretion of the Animal Control Warden the the owner may present the dog to a licensed veterinarian. At the conclusion of the Quarantine the owner shall be presented with a "Quarantine Sheet" which must be completed and returned to the Animal Control Warden within 24 hours.

C. All dogs that have bitten a human (except owner) or any other animal or been bitten by any animal and have a current rabies vaccine may be allowed to be quarantined at home for a period of 10 days or an approved facility at the discretion of the Administrator or Animal Control Warden provided that at the end of the quarantined period the animal must be taken to the Administrator or a licensed veterinarian to be examined and if necessary treated for the contraction of rabies or any other transmittable disease. At the conclusion of the Quarantine the owner shall be presented with a "Quarantine Sheet" which must be completed and returned to the Animal Control Warden within 24 hours.

D. Any pet that has bitten a human (except owner) or any other animal or been bitten by any animal shall be quarantined for a period of 10 days at home or a facility approved by the Administrator or Animal Control Warden. At the end of the quarantined period the pet must be taken to the Administrator or a licensed veterinarian to be examined and if necessary treated for the contraction of rabies or any other transmittable disease. At the conclusion of the Quarantine the owner shall be presented with a "Quarantine Sheet" which must be completed and returned to the Animal Control Warden within 24 hours.

E. Any livestock that has bitten a human (except owner) or any other animal or been bitten by any animal shall be quarantined for a period of 10 days at home or a facility approved by the Administrator or Animal Control Warden. At the end of the quarantined period the livestock must be taken to the Administrator or a licensed veterinarian to be examined and if necessary treated for the contraction of rabies or any other transmittable disease. At the conclusion of the Quarantine the owner shall be presented with a "Quarantine Sheet" which must be completed and returned to the Animal Control Warden within 24 hours.

All quarantines referenced in this section shall be at the expense of the pet owner.

Section 12. SURRENDER OF ANIMALS. It shall be unlawful for any person who obtained possession of a stray animal to refuse to surrender such animal to an Animal Control Warden upon demand.

Section 13. APPREHENSION OF DOGS. It shall be the duty of the Animal Control Warden to apprehend any stray dog in which the safety, health, or welfare of any stray dog or the community at large because of the stray dog.

Section 14. IMPOUNDMENT OF ANIMALS. It shall be the duty of the Administrator and the Animal Control Warden to impound in an Animal Control Center any animal over which possession is obtained under the provisions of this Ordinance.

Section 15. NOTICE OF IMPOUNDMENT. When any pet has been impounded in an Animal Control Center, the Administrator shall give written notice to the owner, if known, at such owner's last known address.

Section 16. REDEMPTION OF ANIMALS. The owner of any animal impounded under the provisions of this Ordinance may redeem such animal upon complying with the following conditions:

- A. Presenting proof of current registration and vaccination of the animal; or
- B. Obtaining and paying for the registration and vaccination of the animal, if required; and
- C. Paying for the boarding and care of the animal at a rate to be established by the Administrator (\$10.00 a day fee to be charged);
- D. A microchip fee to be set by the Animal Control Warden; and
- E. A \$10.00 fine for the impoundment of the animal.

Section 19. ADOPTION OF ANIMALS. Any person desiring to adopt an animal offered for adoption by the Administrator may do so upon such conditions and after the payment of such expenses as the Administrator may by rules and regulations require.

An animal impounded by the Animal Control Warden shall be available for adoption after five (5) days if said animal has a collar and shall be available for adoption after (2) two days if the animal has no collar.

Section 20. UNPROVOKED ANIMAL BITES.

A. First Offense: In the case of any pet who bites or attempts to bite a human (except owner), a animal, or livestock, without justification, the owner of such pet shall be fined not less than \$100.00 and not more than \$500.00 for each bite or attempt to bite. The pet may be euthanized at the discretion of the County Administrator or the Animal Control Warden.

B. Second or Subsequent Offense: The second or subsequent time a pet bites or attempts to bite a human, a animal, or livestock without justification, the owner shall be fined between \$250.00 and \$750.00 and the pet shall be euthanized at the owner's expense by the County Administrator.

Any euthanization referenced in this section shall be at the owner's expense and the euthanization shall be carried out by the County Administrator. A pet shall be justified if the person who has been bit was on the owner of the pet's property unlawfully.

Section 21. CRUELTY TO ANIMALS PROHIBITED. No Person shall commit cruelty to Animals. A Person commits cruelty to Animals when the Person knowingly:

- A. Confines the Animal in such a manner so that it is forced to stand, lie or sit in its own excrement or manure;
- B. Fails to provide an exercise quarter or Confinement Structure of at least twenty-four (24) square feet;
- C. Fails to provide living quarters or a Confinement Structure of sufficient size to exercise or move about;
- D. Fails to provide living quarters or a Confinement Structure that is protected from excessive heat or cold;
- E. Fails to keep an Animal in a clean, sanitary, and healthy manner;
- F. Deprives the Animal of proper veterinary care or necessary sustenance;
- G. Tethers an Animal with a choke collar;
- H. Tethers an Animal with a leash of less than eight (8) feet in length;
- I. Tethers an Animal on a leash of a weight or in such a manner that prevents the Animal from moving freely without entanglement;
- J. By abandoning, overdriving, overwork, cruelly beating, torturing, tormenting, or cruelly killing any Animal, or causing or knowingly allowing the same to be done;
- K. Unjustifiably kills, wounds or attempts to kill any domestic Animal in a cruel manner;
- L. Allows an Animal to remain unattended in a motor vehicle when the outside ambient air temperature exceeds eighty (80) degrees Fahrenheit or confines an animal in an area or Confinement Structure without adequate air circulations;
- M. By working any maimed, sick, or disabled Animal, or causing or knowingly allowing the same to be done; or
- N. Causes, instigates, permits or attends any dogfight or other combat between Animals or between Animals and humans.

Section 22. MAINTENANCE OF RECORDS. The Administrator and each Animal Control Center shall maintain records of all animals apprehended and/or impounded. Such records shall be maintained for at least one year following disposal of each animal and shall contain at least the following information:

- A. The manner and date of disposal of the animal.
- B. The name and address of the person adopting or purchasing the animal.
- C. A record of all fees and/or fines received in relation to the animal.
- D. The reason for disposal of the animal and the manner used.
- E. All records of microchipping of adopted animals.

Section 23. ENTRY UPON PRIVATE PROPERTY. The Administrator and the Animal Control Warden shall have the authority to enter upon private property at reasonable times and in a reasonable manner for the purpose of carrying out the provisions of this Ordinance.

Section 24. EDUCATION. The Administrator shall promote and assist in programs for education in responsible pet ownership in cooperation with civic groups, professional organizations, and schools in Cumberland County.

Section 25. VIOLATION - PENALTIES.

A. **Failure to Vaccinate:** Any owner who fails to vaccinate their dog as required by Section 8 of this Ordinance shall be subject to a fine between \$50.00 and \$500.00 for each offense. Each day the owner fails to vaccinate their dog shall constitute a separate offense.

B. **Failure to Register.** Any owner who fails to register their dog as required by this Ordinance

shall be subject to a fine between \$50.00 and \$500.00 for each offense. Each day the owner fails to register their dog shall constitute a separate offense.

C. Harboring a Stray: Any person who harbors a stray animal shall be subject to a fine not less than \$50.00 and not more than \$1,200.00 for each offense. Each day the owner harbors a stray animal shall constitute a separate offense. Nothing in this section shall prevent the owner of the stray animal from lawsuit under any other provision of the County, State, or Federal.

D. Any other Violation: Any person who violates any other provision of this Ordinance shall be fined not less than \$25.00 and not more than \$500.00 for each offense.

Section 26. ENFORCEMENT. Actions to recover penalties for violations may be instituted by serving Notice of Violation, in substantially the same form as attached hereto, upon the owner by the Administrator, Animal Control Warden, or other authorized agent of the Administrator.

Section 27. SERVICE. Service of a Notice of Violation may be made by the Administrator or his Animal Control Warden by leaving a copy of the Notice with the owner of the animal, or by leaving a copy of the Notice at his usual abode with some member of the family of the age of 13 or older and informing that person of the contents thereof, or by sending a copy of the Notice in a sealed envelope with postage fully prepaid and addressed to the defendant at his usual place of abode.

Section 28. OTHER PROCEEDINGS. Actions to recovery penalties for violations of any of the provisions of this Ordinance may also be instituted by the filing of a verified complaint in the Circuit Court of Cumberland County signed by the Administrator or his authorized agent. Nothing contained in this Ordinance shall be construed so as to prevent the County of Cumberland, or any of its duly authorized agents, from instituting any other form of action at law or in equity to enforce the provisions or to prevent or abate violations of this Ordinance.

Section 29. DISPOSITION OF FEES AND FINES. Fees and fines received under the provisions of this Ordinance shall be paid over to the County Treasurer and place in the Animal Control Fund.

Section 30. The invalidity of any Section or part of this Ordinance or any rule regulation promulgated hereunder shall not affect the validity of the remainder of this Ordinance or any other such rule or regulation.

Section 31. The County Clerk shall publish notice that this Ordinance has been adopted, and copies are available at the offices of the Cumberland County Clerk and the Cumberland County Animal Control Administrator.


Section 32. EFFECTIVE DATE. This Ordinance shall be effective on and after the date of December 11, 2018.

PRESENTED, PASSED, APPROVED, AND RECORDED THIS 11 DAY OF December, 2018.



Chairman of the County Board of the
County of Cumberland

Attest:


County Clerk