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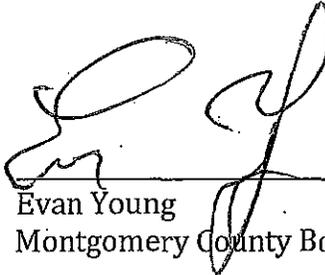
ORDINANCE PROVIDING FOR  
ANIMAL CONTROL IN  
MONTGOMERY COUNTY, ILLINOIS

COUNTY of MONTGOMERY )  
NO. 2021-130

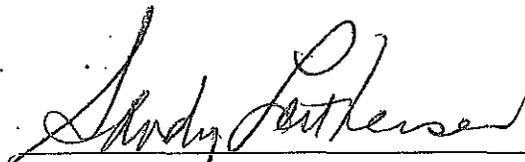
This Ordinance shall be known and referred to as the MONTGOMERY COUNTY ANIMAL CONTROL ORDINANCE.

**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; the Humane Care for Animals Act, and the Animal Welfare Act; and

Revisions of the Animal Control Ordinance Approved and Adopted this 9<sup>th</sup> Day of Nov 2021

  
\_\_\_\_\_  
Evan Young  
Montgomery County Board Chairman

ATTEST:

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

# TABLE OF CONTENTS

	<u>Page Number</u>
Definitions	3 4
<b>GENERAL</b>	
Purposes of Chapter	5
Adoption of State Statute	6
<b>SECTION I – PERSONNEL</b>	
1.1 Duties and Powers	6
1.2 Issuance of Citations to Persons in Violation	6
1.3 Interference with Animal Control Personnel	6
1.4 Enforcement Officers Not Responsible for Accident	7
<b>SECTION II – ANIMALS</b>	
2.1 Animal(s) Considered a Nuisance	7
2.3 Release of Ownership	7
<b>SECTION III – HUMANE INVESTIGATIONS</b>	
3.1 Humane Care for Animals	7
3.2 Abandonment of Animal is Unlawful	8
<b>SECTION IV – IMPOUNDMENT OF VICTIMIZED ANIMAL(S)</b>	
4.1 Impoundment	8
4.2 Appeal	8
4.3 Failure to Appeal	9
<b>SECTION V – RABIES CONTROL</b>	
5.1 Inoculation Against Rabies Required	9
5.2 Registration Tags and Fees	9
5.3 Biting Dog or Cat & Observation of Animal	9
<b>SECTION VI – NUISANCE DOG OWNER</b>	
6.1 Penalties	10
6.2 License Requirements	10
6.3 Revocation of Nuisance Dog Owner License	11
<b>SECTION VII – DANGEROUS DOG</b>	11
<b>SECTION VIII – VICIOUS DOG</b>	13
<b>ANIMAL CONTROL FEES</b>	17

## Definitions

As used in this Ordinance, the following items shall have the following meanings.

**Administrator** means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions.

**Animal Control Officer** means any Person appointed by the County Board to perform duties as assigned by the Administrator to effectuate this Ordinance.

**Attack** means any action by an animal which places a person or companion animal in reasonable apprehension of immediate bodily harm.

**Bite** means the act of an animal seizing flesh with its teeth so as to tear, pierce, or otherwise injure the flesh.

**Business Day** means any day that the animal control facility is open to the public for animal reclaims.

**Board** means the Montgomery County Board.

**Collar** is a means of restraining and/or identifying a dog.

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

**Competent Person** means a human being over the age of eighteen years that is capable of controlling and governing the dog in question, and to whose command the dog is obedient.

**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.

**Control** means any animal that is either secured by a leash or within the property of its owner, or confined within a cage or crate, or confined within a vehicle, or on the property of another person with the consent of that property owner. Voice control means the immediate recall of a dog or other animal at the sound of the owner's voice.

**Dangerous Dog** means (i) any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian behaves in a manner that a reasonable person would believe poses a serious or unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

**Humanely Euthanized** means the painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary

Medical Association, January 15, 1993. Said methods shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

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

**Has Been Bitten** means has been clutched 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.

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

**Inoculation Against Rabies** means the injection of an anti-rabies vaccine approved by the Department by a Licensed Veterinarian.

**Leash** means a rope, strap, or chain that measures four (4) to eight (8) feet in length, which shall be securely fastened to the collar or the harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

**Licensed Veterinarian** means a veterinarian licensed by the State in which he/she engages in the practice of veterinary medicine.

**Microchip** means an implant under the skin of a domestic animal as a means of identification.

**Nuisance Dog Owner** means any person who has been proven to be in violation of any Section of this ordinance 3 or more times within a 3 year period.

**Owner** means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him/her for (10) days or more. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. In the event that the owner of an animal is younger than eighteen (18) years old, the parent or guardian of such owner shall be held liable for non-compliance with the provisions of this ordinance.

**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

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

**Rabies Tag** A serially numbered medallion approved by the department to be issued, at a fee set by the county board, as evidence of inoculation against rabies.

**Registration (Rabies) Certificate** means a printed serially numbered form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Ordinance.

**Restraint** means an owned animal, off the premises of its owner's real property, is under restraint within the meaning of this chapter:

- (1) If it is controlled by a line or leash not more than eight (8) feet in length when said line or leash is held by a competent person.
- (2) When within a vehicle being driven, parked, or stopped; or
- (3) Confined in a cage, kennel or other animal carrier.
- (4) While utilized in the sport of hunting.
- (5) Attached to or enclosed in a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailboxes or delivering newspapers or packages at the request of the owner

**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.

**Shelter**: means a structure which has four (4) solid sides with one opening for entry, a solid roof, solid floor, and sufficient bedding when the night time temperatures are below 48 degrees. 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.

**Stray Dog or Cat** means any dog or cat that does not have a known owner, is not claimed by its owner, or is not property owned.

**Tether** means to restrain by tying to an object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line at a person's residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line.

**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 three separate occasions.

## **GENERAL**

### **Purposes of Chapter**

The purpose of the Animal Control Program are as follows:

1. To protect the public health and safety:
  - a. From rabies in accordance with the Illinois Animal Control Act;
  - b. From dangerous and vicious dogs;
  - c. By educating the public about State and local ordinances;

- d. By controlling and impounding animals under its jurisdiction;
  - e. By enforcing State Statutes and county ordinances; and
  - f. By enforcing local ordinances to intergovernmental agreements.
2. To promote the welfare of animals;
- a. By adhering to the Illinois Humane Care for Animals Act;
  - b. By adhering to the provisions of this Ordinance;
  - c. By educational programs about responsible pet ownership; and
  - d. By the Humane Care and Maintenance of Impounded Animals.

**Adoption of State Statute**

Montgomery County adopts the Illinois Animal Control Act, Chapter 510, Section 5/1 et seq. of the Illinois Compiled Statutes, as it may be amended from time to time and as allowed by said division.

Montgomery County adopts the Illinois Humane Care for Animals Act, Chapter 510, Section 70/1 et seq. of the Illinois Compiled Statutes, as it may be amended from time to time and as allowed by said division.

Nothing herein shall prevent the State's Attorney of Montgomery County from enforcing the Illinois Law regarding animals.

**SECTION I - PERSONNEL**

**1.1 Duties and Powers**

- A. It shall be the duty of the Animal Control Warden and/or his/her designee(s) to enforce any of the provisions of this Ordinance or statutes of the State as they pertain to animals.
- B. The employees and officers of Montgomery County are authorized to go on private property in order to enforce this Ordinance or State Statute or to impound any nuisance animal or impound any animal found without rabies inoculation or registration provided such persons do not enter into a private dwelling or attached structure or house for without a valid warrant or the consent of the occupant or landlord.

**1.2 Issuance of Citations to Persons in Violation**

- A. The Animal Control Warden and/or his/her designee are authorized to issue citations on a reasonable belief that any person has violated any provisions of this Ordinance.
- B. Citations shall be issued on forms approved by the Montgomery County State's Attorney.
- C. Citations shall be issued personally to the violator; left with a responsible family member at the home of the violator; or mailed to the last known address of the violator.
- D. Persons issuing citations shall ensure that a copy of the citation is kept on file at the Animal Control Facility.

**1.3 Interference with Animal Control Personnel**

It shall be unlawful for any person to obstruct, impede or interfere with the administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or attempt to prevent the administrator or any of his/her delegates or the police from capturing or impounding any animal with the county.

**1.4 Enforcement Officers Not Responsible for Accident or Disease to any Dog or Cat:**

The administrator or animal control staff or anyone enforcing the provision of this ordinance shall not be held responsible for any accident or disease that may happen to any animal.

**SECTION II – ANIMALS**

**2.1 Animal(s) Considered a Nuisance**

- A. No person owning, possessing or harboring any animal within the County shall permit said animal to become a nuisance within the unincorporated areas of Montgomery County. A companion animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:
1. Substantially damages property other than the owner's;
  2. Causes unsanitary, dangerous, or unreasonably offensive conditions;
  3. Causes a disturbance by excessive barking or other noisemaking;
  4. Chases vehicles;
  5. Impedes traffic or causes a potential hazard to motorists.
  6. Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
  7. Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.
- A. The administrator or animal control Officer, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections A above and not restrained by a competent person. If, after a mailed or delivered impound notice, the owner does not reclaim the animal within seven days, the animal may be placed up for adoption, sent to rescue, or humanely euthanized. The owner will be responsible for all fines, fees, and costs incurred for said animal(s).

**2.2 Release of Ownership**

People who release ownership of an animal(s) to Montgomery County Animal Control must pay the surrender fee. The fee may be waived at the discretion of the administrator based on circumstances of the surrender.

**SECTION III – HUMANE INVESTIGATIONS**

**3.1 Humane Care for Animals**

- A. No owner shall fail to provide his/her animal with:
1. Sufficient food to maintain acceptable body weight;
  2. Fresh, clean water at all times;
  3. A shelter which has four (4) solid sides with one opening for entry, a solid roof, solid floor, and sufficient bedding when the night time temperatures are below 48 degrees. 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;

4. Be placed in a clean dry place free of mud, standing water, feces, and debris.
5. Sufficient Veterinary care to prevent suffering;

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

1. A tethered dog must have access at all times to water, adequate shelter, and dry ground.
2. If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
3. A dog must be tethered in such a manner as to prevent injury, strangulation, or entanglement, and the tether must be at least 10 feet long.
4. The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dogs neck.
5. No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
6. No dog shall be tethered with a log or tow chain.
7. No dog shall be tethered in such a manner so as to allow it to reach or remain on public property or public right-of-way, such as a sidewalk or street.

C. Failure to comply with this Section may result in impoundment of the animal(s). Such animal may be redeemed by the owner upon payment of all fees and costs accrued and providing proof of the ability to conform to the provisions of this Section.

### **3.2 Abandonment of Animal is Unlawful**

It shall be unlawful for any person to abandon any animal within the County, including failing to claim or surrender an animal at Animal Control. Any person caught abandoning an animal shall be fined up to \$500 per animal.

## **SECTION IV – IMPOUNDMENT OF VICTIMIZED ANIMAL(S)**

### **4.1 Impoundment**

In the event that the Administrator, animal control officer, or law enforcement officer finds a companion animal(s) to be victim of any violation(s) of The Illinois Humane Care for Animals Act or Sections 3.1 or 3.2 of this Ordinance, he/she will have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Any expense incurred in the impoundment and care of the animal(s) shall become a lien on the animal and shall be borne by the owner.

### **4.2 Appeal**

The owner of an animal that has been impounded may appeal the impoundment to the Administrator or authorized designee by filing a written notice of appeal with the

administrator within 7 days of the impoundment. After proper notice, a hearing shall be held to determine if said animal was victim of cruelty, neglect, or abandonment. The Court may find that the animal(s) is victim(s) and shall:

1. Order appropriate remedies at the cost of the owner;
2. Order Humane Euthanasia(s);
3. Deny return of the animal(s);
4. Order a lien on the animal(s) for expenses incurred in the impoundment and/or care.

#### **4.3 Failure to Appeal**

If the owner of an animal(s) that has been impounded does not appeal the impoundment in writing to the administrator within 7 days, the animal(s) will be placed up for adoption, sent to rescue, or humanely euthanized. Any expense incurred in the impoundment and care of the animal(s) shall be paid by the owner.

### **SECTION V - RABIES CONTROL**

#### **5.1 Inoculation Against Rabies Required**

Every owner of a dog or cat 4 months or more months of age shall have each dog or cat inoculated against rabies by a licensed veterinarian annually or at such intervals promulgated by the Department. Evidence of such inoculation shall be entered upon a certificate and be signed by the licensed veterinarian administering the vaccine.

#### **5.2 Registration Tags and Fees**

Owner's Animals residing within Montgomery County having had said animal(s) rabies vaccinated must procure from Montgomery County a serially numbered registration tag. The owner of the animal(s) shall be charged the following registration fees:

<b>1 Year - Sterile</b>	<b>\$10</b>
<b>1 Year - Under 6 months old</b>	<b>\$10</b>
<b>1 Year - Intact</b>	<b>\$20</b>
<b>3 Year - Sterile</b>	<b>\$30</b>
<b>3 Year - Intact</b>	<b>\$60</b>

#### **5.3 Biting Dog or Cat & Observation of Animal**

- A. When the Administrator receives information that any person has been bitten by a dog or cat, the owner, at their expense, shall have such dog or cat confined under the observation of a licensed veterinarian for a period of ten days. The veterinarian shall report the clinical condition, proof of rabies vaccination, and/or humane euthanasia of the dog or cat at the end of the ten day quarantine on appropriate forms approved by the Department. The Administrator shall notify the victim the final disposition of the biting animal.
- B. When evidence is presented that such dog or cat was has a current rabies inoculation, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten days. At the end of the confinement period, such dog or cat shall be presented to a licensed veterinarian for evaluation at the owner's

expense. The veterinarian shall report the clinical condition of the animal to the Administrator on appropriate forms approved by the Department.

- C. When such dog or cat is examined at the end of the confinement period and released from confinement, said animal shall be microchipped at the owner's expense at the time of examination.

## **SECTION VII – NUISANCE DOG OWNER**

### **6.1 Penalties**

- A. Upon proof of a third violation of this Ordinance, the administrator shall declare the owner a nuisance dog owner and such owner shall be limited to owning, harboring, or keeping a maximum of two dogs for a period of six months.
- B. After the expiration of the limitation period of six months, a nuisance dog owner must obtain a nuisance dog owner license before he/she may own, harbor, or keep more than two dogs.
- C. Obtaining a nuisance dog owner license shall not exempt such licensee from payment of county registration fees for each dog owned by him.
- D. Ownership of more than two dogs by a nuisance dog owner without obtaining a nuisance dog owner license shall be a violation of this Section and the owner shall be charged a fine of \$50 per dog.

### **6.2 License Requirements**

- A. An applicant for a nuisance dog owner license shall consent to the inspection of the premises where his/her dogs are kept or maintained. Such inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for nuisance dog owners with marginally acceptable standards. Such inspection may be performed by the administrator or designee. Failure to comply with a request for inspection is a violation of this chapter and may result in a fine of \$50.
- B. Applications for and holders of nuisance dog owner licenses shall conform to the following requirements:
  - 1. The applicant shall pay the county a fee of \$50 per year.
  - 2. All dogs over four months of age must be inoculated against rabies and registered pursuant to this Ordinance.
  - 3. All dogs must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.
  - 4. If the dogs are kept or maintained within a structure or building, such building shall:
    - a. Be kept clean and free of feces and urine.
    - b. Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
    - c. Be well ventilated and maintain appropriate temperature to prevent suffering.
  - 5. If the dogs are kept or maintained outside a building:
    - a. A shelter of sufficient size to permit such animal to stand up and turn around inside when fully grown and shall be provided at all times.
    - b. The shelter shall have four sides, a roof, floor, and bedding. The shelter shall be placed to provide shade from the sun and protection from the weather.
  - 6. The dogs shall be prevented from running at large.

7. The dogs shall be prevented from causing a nuisance pursuant to Section 2.2.
8. 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.
9. The applicant shall not have been found six or more times in violation of the Illinois Animal Control Act, the Illinois Humane Care for Animals Act, The Illinois Dead Animals Disposal Act, or this ordinance within 3 years from the date of application.
10. The owner shall immediately notify the administrator of any change in location or dogs governed by the nuisance dog owner license including the rabies vaccination and registration required pursuant to this section.

**6.3 Revocation of Nuisance Dog Owner License**

- A. Upon finding 6 or more violations of this ordinance or the permit requirements within a 3 year period, the administrator shall revoke the nuisance dog owner license for a period of 1 year. 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 ordinance requirements before he/she may be issued a nuisance dog owner license.
- B. Upon revocation of the license, the administrator shall order the dogs impounded and the owner shall relinquish ownership of his/her dogs to the animal control facility.

**SECTION VII - DANGEROUS DOG(S)**

**6.1 Determination**

- A. After a thorough investigation including: sending, within ten 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 the opportunity to meet with the administrator or his/her designee prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; making a detailed written report, an animal control officer, deputy administrator, or law enforcement agent may ask the administrator, or his or her designee, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of the 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.
- B. A dog shall not be declared dangerous if the administrator or his/her designee, determines the conduct of the dog was justified because:
  1. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;
  2. The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
  3. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
  4. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- C. 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.

## 6.2 Requirements

- A. If deemed dangerous, the administrator, or his/her designee, shall order the dog to be spayed or neutered within fourteen days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
  1. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
  2. Direct supervision by an adult eighteen years of age or older whenever the animal is on public premises.
- B. 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.
- C. Guide dogs for the blind or hearing impaired, support dogs for the physically and or emotionally 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 5.1 of this Ordinance. It shall be the duty of the owner of such exempted dog to notify the administrator of change of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any reported address changes.
- D. The administrator, the state's attorney, or any citizen of the county in which the dangerous dog or other animal exists may file a complaint in the name of the people of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court if satisfied that this nuisance may exist, shall grant a preliminary injunction which build in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.
- E. All owners and/or keepers of any animal found to be dangerous shall display in a prominent place of their premises where the dangerous animal resides a clearly visible sign in accordance with the following requirements:
  1. The sign must have the following dimensions:  
Eight and one-half inches by eleven inches sign with red letters on a white background. The first three words "Declared Dangerous Animal" must be at least two inches in height and the sign shall read as follows:

DECLARED DANGEROUS ANIMAL

MONTGOMERY COUNTY

ANIMAL CONTROL

2. The sign must be displayed in the following manner:

At the entrance of a residence or property where the animal is kept.

In the event that a residence or property has more than one entrance, a sign will be required at each entrance.

**6.3 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.

**6.4 Appeal**

- A. The owner of a dog found to be a dangerous dog pursuant to this chapter by the administrator may file a complaint against the administrator in the circuit court within thirty-five days of receipt of notification of the determination, for the 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/her burden of proof of a preponderance of the evidence. The final order of the 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 chapter by the director may, within fourteen 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. 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 Montgomery 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 the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

**SECTION VIII – VICIOUS DOG(S)**

**6.1 Determination**

- A. In order to have a dog deemed "vicious", the administrator, deputy administrator, animal control officer, 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 witness, including the owner, gather any existing 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 state's attorney's office the owner. The administrator, state's attorney, director, 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 the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The administrator shall determine where the animal shall be confined during the pendency of the case.

- B. A dog shall not be declared dangerous if the administrator or his/her designee, determines the conduct of the dog was justified because:
  - 1. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon property of the owner or custodian of the dog;
  - 2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
  - 3. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- C. 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 to breed. If the burden of proof is met, the court shall deem the 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 determination of whether the dog's behavior was justified pursuant to the provisions of this section.

## **6.2 Requirements**

- A. If a dog is found to be a vicious dog, the dog shall be spayed or neutered within ten days of the finding at the owner's expense and microchipped, if not already, and is subject to enclosure. A dog found to be vicious dog shall not be released to the owner until the administrator, or his/her designee, approves the enclosure. No owner or custodian of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the administrator of the county animal control where he or she has relocated and the administrator of the county animal control where he or she formerly resided.
- B. 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. The only times that a vicious dog may be allowed out of the enclosure are:
  - 1. If it is necessary for the owner or keeper to obtain veterinary care for the dog;
  - 2. In the case of an emergency or natural disaster where the dog's life is threatened; or
  - 3. To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled within its residence.
- B. 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 having jurisdiction in such area. 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 fifteen working days, the dog may be euthanized. 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

- C. 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 5.1 of this Ordinance. It shall be the duty of the owner of such exempted dog to notify the administrator of change of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any reported address changes.
- D. All owners and/or keepers of any animal found to be vicious shall display in a prominent place of their premises where the dangerous animal is confined a clearly visible sign in accordance with the following requirements:
  - 1. The sign must have the following dimensions:  
Eight and one-half inches by eleven inches sign with red letters on a white background. The first three words "Declared Vicious Animal" must be at least two inches in height and the sign shall read as follows:

DECLARED VICIOUS ANIMAL

MONTGOMERY COUNTY

ANIMAL CONTROL

- 2. The sign must be displayed in the following manner:

At the entrance of the enclosure where the animal is kept.

In the event that a residence or property has more than one entrance, a sign will be required at each entrance.

- F. Upon request, and for the duration of the life of a vicious dog, the owner of a vicious dog subject to enclosure shall provide the administrator, his/her designee, or animal control officer access to the enclosure for the purpose of inspection to ensure that the enclosure continues to meet the criteria of the definition of an enclosure, required signage remains in place and in good condition and confirm that any other order is being obeyed.
- G. If an owner fails to comply with these requirements, the administrator shall order the dog impounded and the owner shall pay a five hundred dollar fine plus impoundment fees.

### **6.3 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.

#### 6.4 Appeal

- A. The owner of a dog found to be a dangerous dog pursuant to this chapter by the administrator may file a complaint against the administrator in the circuit court within thirty-five days of receipt of notification of the determination, for the 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/her burden of proof of a preponderance of the evidence. The final order of the 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 chapter by the director may, within fourteen 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. 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 Montgomery 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 the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

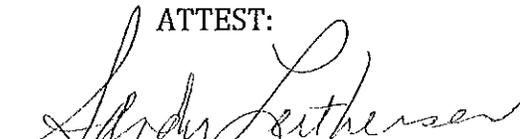
**ANIMAL CONTROL FEES**

DESCRIPTION	FINE / FEE
Impound Per Animal	\$50
Boarding per Animal / Per Day	\$10
Nuisance Violation Per Animal / Offense	\$50
Release of Ownership per Dog or Cat	\$50
Release of Ownership per Litter	\$80
Humane Care Violation per Animal / per Offense	\$50
Abandonment per Animal	\$500
Non-Compliance Rabies Vaccination / Registration	\$50
Biting Animal	\$50
Nuisance Dog Owner License Violations	\$50
Vaccinations (each)	\$20
Medications (each)	\$20
Tests (each)	\$20
Spay / Neuter Dog	\$100
Spay / Neuter Cat	\$100

Passed this <sup>9<sup>th</sup></sup> Day of Nov, 2021.

  
 \_\_\_\_\_  
 Evan Young, Board Chairman

*copy*

ATTEST:  
  
 \_\_\_\_\_  
 Sandy Leithiser, County Clerk/Recorder

