

Ordinance

#26- 26

MARSHALL COUNTY ANIMAL CONTROL ACT

WHEREAS, 510 ILCS 5/1 through 5/27, as amended, entitled “Animal Control Act” requires counties to adopt and implement certain procedures relating to the enforcement and regulation of said Animal Control Act; and

WHEREAS, the Marshall County Board has previously enacted the Marshall County Animal Control Act under Ordinance #09-17B dated March 12, 2009 and later amended under Ordinance #19-100 dated December 12, 2019; and

WHEREAS, 510 ILCS 5/24 does not limit in any manner the power of Marshall County to prohibit animals from running at large, nor shall anything in the State of Illinois Animal Control Act be construed to, in any manner, limit the power of Marshall County to further control and regulate dogs, cats or other animals in Marshall County provided that no regulation, policy or ordinance is specific to breed.

WHEREAS, the Marshall County Board determines that it is in the best interest of the health, safety and welfare of the citizens of Marshall County that animals and fowl be controlled;

NOW BE IT ORDAINED as follows:

- Sec. 1. This Ordinance shall be known as the “Marshall County Animal Control Act”
- Sec. 2. As used in this Ordinance, unless the context otherwise requires, the terms specified in Sec. 2.01. through 2.31. have the meanings ascribed to them in those Sections. The terms shall apply unless the context clearly indicates or requires a different meaning.
- Sec 2.01. **Administrator.** “Administrator” means the individual, being a veterinarian licensed by the State of Illinois and appointed by the Marshall County Board pursuant to 510 ILCS 5/1 through 5/27, as amended.
- Sec. 2.02 **“Animal”** means every living creature, other than man, which may be affected by rabies.
- Sec. 2.03 **“Animal Control Warden”** means any person appointed by the Administrator to perform the duties set forth in this Ordinance and 510 ILCS 5/1 through 5/27, as amended.
- Sec. 2.04. **“Business day”** means any day including holidays that the animal control facility is open to the public for animal reclaims.
- Sec. 2.05. **“Board”** means the County Board of Marshall County.
- Sec. 2.06. **“Cat”** means *Felis catus*.
- Sec. 2.07. **“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.
- Sec. 2.08. **“Dangerous dog”** means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a

serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

- Sec. 2.09. **"Department"** means the Department of Agriculture of the State of Illinois.
- Sec. 2.10. **"Deputy Administrator"** means a veterinarian licensed by the State of Illinois, appointed by the Administrator or the County Board.
- Sec. 2.11. **"Director"** means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.
- Sec. 2.12. **"Dog"** means all members of the family Canidae.
- Sec. 2.13. **"Enclosure"** means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.
- Sec. 2.14. **"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.
- Sec. 2.15. **"Intact animal"** means an animal that has not been sterilized.
- Sec. 2.16. **"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.
- Sec. 2.17. **"Impounded"** means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.
- Sec. 2.18. **"Inoculation against rabies"** means the injection of an anti rabies vaccine approved by the Department.
- Sec. 2.19. **"Leash"** means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.
- Sec. 2.20. **"Licensed veterinarian"** means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine.
- Sec. 2.21. **"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 care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include

a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program.

- Sec. 2.22. **"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.
- Sec. 2.23. **"Peace officer"** has the meaning ascribed to it in Section 2-13 of the Criminal Code of 2012.
- Sec. 2.24. **"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.
- Sec. 2.25. **"Potentially dangerous dog"** means a dog that is unsupervised and found running at large with 3 or more other dogs.
- Sec. 2.26. **"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 the State of Illinois Animal Control Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.
- Sec. 2.27. **"Physical injury"** means the impairment of physical condition.
- Sec. 2.28. **"Reckless dog owner"** means a person who owns a dog that while anywhere other than upon the property of the owner, and without justification, kills another dog that results in that dog being deemed a dangerous dog under Section 15.1 of the Illinois Animal Control Act and Section 14.1 of this Ordinance and who knowingly allows the dog to violate Section 9 of the Illinois Animal Control Act and Section 7 of this Ordinance on 2 occasions within 12 months of the incident for which the dog was deemed dangerous or is involved in another incident that results in the dog being deemed dangerous on a second occasion within 24 months of the original dangerous determination.
- Sec. 2.29. **"Registration certificate"** means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under the Illinois Animal Control Act.
- Sec. 2.30. **"Return"** in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.
- Sec. 2.31. **"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.
- Sec. 2.32. **"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.
- Sec. 3. **Administrator.** The County Board Chairman and Board hereby appoints Alan M. McCully, D.V.M. as Administrator, who shall serve until his death, resignation,

termination, replacement or direction from the County Board Chairman and Board. In accordance with the Illinois Animal Control Act, 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 the consent of the 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 may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program. The Board shall be empowered to utilize monies from its General Corporate Fund to effectuate the intent of this Ordinance and the State of Illinois Animal Control Act.

Sec. 3.1. **Registration of Dogs and Cats.** The Board requires the registration of dogs and cats. Feral cats are not included. The Board imposes an individual dog or cat registration fee as prescribed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended, State of Illinois Animal Control Act". Pursuant to the State of Illinois Animal Control Act, the registration fee has a minimum differential of \$10 for intact dogs or cats. Ten dollars of the differential shall be placed in the Marshall County Animal Population Control Fund as established under the Marshall County Public Health and Safety Animal Population Control Act. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by this Ordinance, including sales, number of litters, and ownership of dogs and cats.

Sec. 3.2. **County animal population fund use limitation.** Funds placed in the county animal population control fund may only be used to (1) vaccinate or sterilize adopted dogs or cats; (2) sterilize or vaccinate dogs or cats owned by low income county residents who are eligible for the Food Stamp Program or Social Security Disability Benefits Program; or (3) sterilize and vaccinate feral cats in programs recognized by the county or a municipality.

Sec. 4. **Duties and powers of Administrator or Deputy Administrator.**

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

- (b) The Administrator, Deputy Administrators, and Animal Control Wardens shall have all police powers authorized by the State of Illinois Animal Control Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of the State of Illinois Animal Control Act and which are conferred in this Ordinance. The Administrator, Deputy Administrators, and Animal Control Wardens are not authorized to carry weapons, however, this shall not be deemed to preclude law enforcement officers from doing so on behalf of the Administrator, Deputy Administrators, and Animal Control Wardens in enforcing this Ordinance or the State of Illinois Animal Control Act. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization. A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer and Probation Officer Firearm Training Act. The cost of this training shall be paid by the county.
- (c) The sheriff and all sheriff's deputies shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Ordinance and the State of Illinois Animal Control Act.
- (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.

Sec. 5. **Registration Fees.** All registration fees collected shall be remitted to the Marshall County Treasurer, who shall place the monies in the Marshall County Animal Control Fund. This fund shall be set up by him or her for the purpose of paying costs of the Animal Control Program. All fees collected shall be used for the purpose of paying claims for loss of livestock or poultry as set forth in Section 19 of the State of Illinois Animal Control Act and Section 19 of this Ordinance and for the following purposes: funds may be utilized by the Marshall County Health Department for the purchase of human rabies anti-serum, human vaccine, the cost for administration of 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 the State of Illinois Animal Control Act or this Ordinance, concurred in by the Department relating to animal control, except as set forth in Section 19 of the State of Illinois Animal Control Act and Section 19 of this Ordinance.

Sec. 6. **Rabies inoculation.**

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

- (b) Every owner of a cat that is a companion animal and is 4 months or more of age shall have each cat inoculated against rabies by a licensed veterinarian. Every cat that is a companion animal shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. This subsection (b) does not apply to feral cats; however, if a feral cat is presented to a licensed veterinarian for sterilization, the feral cat shall be inoculated against rabies, unless the person presenting the feral cat for care provides an inoculation certificate showing that the feral cat has been inoculated against rabies, and the cost of the inoculation shall be paid by the person presenting the feral cat to a licensed veterinarian for care.
- (c) A veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the dog, cat, or ferret if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Only one dog, cat, or ferret shall be included on each certificate.
- (d) Veterinarians who inoculate a dog shall procure from the Marshall County Treasurer serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at the fee for each dog inoculated against rabies as listed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended, State of Illinois Animal Control Act".
- (e) A veterinarian who inoculates a cat that is a companion animal shall issue an inoculation certificate to the owner which shall comply with any registration requirements adopted by the county under Section 3 of the State of Illinois Animal Control Act and Section 3.1 of this Ordinance. The owner shall pay the fee imposed by the county under Section 3 of the State of Illinois Animal Control Act and Section 3.1 of this Ordinance. A veterinarian who inoculates a feral cat shall issue an inoculation certificate to the person who presented the feral cat for veterinary care. The registration requirements or any fee imposed by the county under Section 3 of the State of Illinois Animal Control Act and Section 3.1 of this Ordinance shall not apply to feral cats.
- (f) Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.
- (g) If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies inoculation requirement for the period described in this subsection; however, the owner is still responsible for the tag fees. A determination under this subsection is

valid for one year but may be annually renewed thereafter by a licensed veterinarian.

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

Sec. 7. **Animals Running at Large Prohibited.** Any dog found running at large contrary to provisions of this Ordinance shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a \$25 public safety fine to be deposited into the county animal control fund or the county pet population control fund and which is listed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended, State of Illinois Animal Control Act". A dog found running at large contrary to the provisions of this Ordinance a second or subsequent time must be sterilized within 30 days after being reclaimed unless already sterilized; failure to comply shall result in impoundment. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

Sec. 8 **Impoundment; redemption.** When dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake of each dog or cat. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.20, agent, or caretaker as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner, agent, or caretaker prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner, agent, or caretaker. 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, agent, or caretaker of the animal. A mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the Administrator shall also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address, provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer prior to adoption, transfer, or euthanization. Prior to transferring the dog or cat to another humane shelter, pet store, rescue group, or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the

owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal control facility may proceed with the adoption, transfer, or euthanization.

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

- (a) Presenting proof of current rabies inoculation and registration, if applicable:
- (b) Paying for the rabies inoculation of the dog or cat and registration, if applicable
- (c) Paying the pound for the board of the dog or cat for the period it was impounded.
- (d) Paying into the Marshall County Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.
- (e) Paying a \$25 public safety fine to be deposited into the county animal control fund or the county pet population control fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner, agent, or caretaker has the animal spayed or neutered within 14 days.
- (f) Paying for microchipping and registration if not already done.

The payments prescribed in Sections 8(b) through 8(f) are listed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended, State of Illinois Animal Control Act". The payments required for redemption under this Ordinance shall be in addition to any other penalties invoked under this Ordinance. All fees shall be paid even if the animal is not redeemed by the owner.

Sec. 9

Animal placement. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner or chip purchaser, if the purchaser was a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office, must be notified. After contact has been made or attempted, dogs deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed animal shelter or rescue group. After contact has been made or attempted, the animal control facility may either: (1) offer the cat for adoption; (2) return to field or transfer the cat after sterilization; or (3) make the cat available to a licensed animal shelter or animal control facility. The animal may be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal control facility or animal shelter shall not adopt or release any dog or cat to anyone other than the owner or a foster home unless the animal has been rendered incapable of reproduction and microchipped. This Ordinance shall not prevent humane societies or animal shelters from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Ordinance and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed by the Department of Agriculture or is a

representative of a not-for-profit out-of-state organization, animal shelter, or animal control facility.

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

Sec. 11. **Dog or other animal bites; observation of animal.**

- (a) Except as otherwise provided in subsections (f) and (g) of this Section, when the Administrator receives information that any person has been bitten by an animal, the Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator may permit such confinement to be reduced to a period of less than 10 days.
- (b) The owner, or if the owner is unavailable, an agent or caretaker of an animal documented to have bitten a person shall present the animal to a licensed veterinarian within 24 hours. A veterinarian presented with an animal documented to have bitten a person shall make a record of the clinical condition of the animal immediately. At the end of the confinement period, the animal shall be examined by a licensed veterinarian, inoculated against rabies, if eligible, and microchipped, if the dog or cat has not been already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of confinement, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten, and in the case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.
- (c) When the Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined

and released from confinement by a licensed veterinarian. The Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

- (d) Any person having knowledge that any person has been bitten by an animal shall notify the Administrator within 24 hours.
- (e) It is unlawful for the owner of the animal to conceal the whereabouts, euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is examined and released from confinement by the Administrator or licensed veterinarian. It is unlawful for the owner of the animal to refuse or fail to immediately comply with the instructions made by the Administrator or his or her authorized representative. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit a \$25 public safety fine to be deposited into the county animal control fund which is listed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended State of Illinois Animal Control Act".
- (f) 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.
- (g) When a person has been bitten by a search and rescue dog that is currently vaccinated against rabies, the search and rescue dog may continue to perform its duties for the handler or owner or agency and any period of observation of the dog may be under the supervision of its handler or owner. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a vehicle, or remaining under the constant supervision of its handler or owner.

Sec. 12.

Whenever a case of rabies has occurred in Marshall County, or when the Marshall County Board is apprehensive of the spread of rabies, the Administrator shall contact the Department.

Sec. 13.

Vicious Dogs.

- (a) In order to have a dog deemed "vicious", the Administrator, 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 State's Attorney's Office and 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 of Marshall County, Illinois 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.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

- (1) 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;
- (2) 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
- (3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring

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.

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 pay a \$100 public safety fine to be deposited into the county animal control fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. Said fines and fees are listed on the attached Exhibit "A" entitled "Schedule of Fees and Fines of the Marshall County Animal Control Act and 510 ILCS 5/1 through 5/27, as amended, State of Illinois Animal

Control Act". The 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, an 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 of County Animal Control where he or she has relocated and the Administrator of Marshall County 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 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.

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, an Animal Control Warden, or the Marshall County Sheriff's Department.

If the owner of the dog has not appealed the impoundment order to the Circuit Court of Marshall County, Illinois within 15 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.

Guide dogs for the blind or hearing impaired, support dogs for persons with physical disabilities, accelerant detection dogs, and sentry, guard, or police-owned dogs are exempt from 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 6 of this Ordinance. It shall be the duty of the owner of such 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 such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

- (c) If the animal control agency has custody of the dog, the agency 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 the animal control agency or animal shelter 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, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

- (d) 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.
- (e) 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 the animal control agency must dispose of the animal through adoption or humane euthanization.

Sec.14.1. **Dangerous dog determination.**

- (a) 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, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, 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 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 or her designee, or the Director 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 was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
 - (2) the threatened person was 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.
- (d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the county animal control fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (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 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 18 years of age or older whenever the animal is on public premises.
- (e) 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.
- (f) Guide dogs for the blind or hearing impaired, support dogs for persons with a physical disability, 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 8 of this Act 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 or her.
- (g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Ordinance.

Sec. 15.1. **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.

Sec.15.2. **Dangerous dog; appeal.**

- (a) The owner of a dog found to be a dangerous dog pursuant to this Act Ordinance by an Administrator may file a complaint against the Administrator in the Circuit Court of Marshall County, Illinois 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 a preponderance of the 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 the Act 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.

Sec. 15.3. **Potentially dangerous dog.** A dog found running at large and unsupervised with 3 or more other dogs may be deemed a potentially dangerous dog by the animal control warden or administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14 days of reclaim. The designation of "potentially dangerous dog" shall expire 12 months after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of \$500.

Sec. 15.4. **Reckless dog owner; complaint; penalty.**

- (a) The Administrator, State's Attorney, Director, or any citizen may file a complaint in circuit court to determine whether a person is a reckless dog owner. If an owner is determined to be a reckless dog owner by clear and convincing

evidence, the court shall order the immediate impoundment and forfeiture of all dogs the reckless dog owner has a property right in. Forfeiture may be to any licensed shelter, rescue, or sanctuary. The court shall further prohibit the property right ownership of a dog by the person determined to be a reckless dog owner for a period of at least 12 months, but not more than 36 months for the first reckless dog owner determination.

- (b) A dog's history during ownership by a person found to be a reckless dog owner shall not be considered conclusive of the dog's temperament and qualification for adoption or transfer. The dog's temperament shall be independently evaluated by a person qualified to conduct behavioral assessments and, if the dog is deemed adoptable, the receiving facility shall make a reasonable attempt to place the dog in another home, transfer the dog to rescue, or place the dog in a sanctuary.
- (c) A person who refuses to forfeit a dog under this Section is in violation which carries a public safety fine of \$500 for each dog. The fine shall be deposited into the Pet Population Control Fund. Each day a person fails to comply with a forfeiture or prohibition ordered under this Section shall constitute a separate offense.

- Sec. 16. **Animal attacks or injuries.** If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.
- Sec. 17. For the purpose of making inspections hereunder, the Administrator, or his or her authorized representative, 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 therefor, 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 Act.
- Sec. 18. 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.
- Sec. 18.1. 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, horses, mules, poultry, ratites, or swine belonging to that person.
- Sec. 19. Any owner having livestock, poultry, or equidae killed or injured by a dog shall, according to the provisions of this Act 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 affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing 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 2 witnesses. The Administrator shall determine whether the provisions of this Section have been met and shall keep a record in each case 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 Act.

Sec. 20. 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 therefor. The court or jury, before which such action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff for the use of the county, for the amount which the plaintiff has received on account of such damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages by the County Treasurer, then the judgment shall be entered as heretofore stated for the use of the Animal Control Fund, for the full amount of such recovery. The judgment shall show on its face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

Sec. 21. The Department shall have general supervision of the administration of this Act and may make reasonable rules and regulations, not inconsistent with this Act, for the enforcement of this Act and for the guidance of Administrators, including revoking a license issued under the Animal Welfare Act for noncompliance with any provision of this Act.

Sec. 22. **Limitations.** Nothing in this Ordinance shall be held to limit in any manner the power of any municipality or other political subdivision 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 or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation, policy or ordinance is specific to breed.

Sec. 23. 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.

Sec. 24.

- (a) Except as otherwise provided in this Act, any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, 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 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. Each State's Attorney to whom the Administrator reports any violation of this Act 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:
 - (1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and
 - (2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and
 - (3) 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 3 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 2 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 4 felony. 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 3 felony.

- Sec. 25. Any officer failing, refusing, or neglecting to carry out the provisions of this Ordinance shall be guilty of a petty offense and shall be fined not less than \$25 nor more than \$100 for each offense.
- Sec. 26. Nothing in this Ordinance shall be construed as to allow any type of animal, including, but not limited to livestock in any zoning district in Marshall County which is inconsistent with the Marshall County Zoning Ordinance dated December 11, 2008, as amended.
- Sec. 27. Nothing in this Ordinance shall be construed as to limit the enforcement of the State of Illinois Animal Control Act.

IT IS FURTHER ORDAINED that all previously enacted ordinances and resolutions entitled the Marshall County Animal Control Act, including, but not limited to Ordinance #09-17B dated March 12, 2009 and later amended under Ordinance #19-100 dated December 12, 2019 prior to the effective date of this Ordinance shall no longer remain in full force and are instead replaced with this Ordinance entitled Marshall County Animal Control Act; and

IT IS FURTHER ORDAINED that this Ordinance shall become effective on the 13th day of August 2026.

Enacted and approved this 13th day of August, 2026 at Lacon, Marshall County Illinois.



Travis McGlasson

Marshall County Board Chairperson

ATTEST:



Jill M. Kenyon

Marshall County Clerk & Recorder

EXHIBIT "A"

**SCHEDULE OF FEES AND FINES OF THE MARSHALL COUNTY ANIMAL CONTROL ACT and 510
ILCS 5/1 THROUGH 5/27, AS AMENDED, STATE OF ILLINOIS ANIMAL CONTROL ACT**

REGISTRATION FEES

\$10.00 1 YEAR REGISTRATION FEE (STERLIZED) DOG/CAT

OR

\$30.00 3 YEAR REGISTRATION FEE (STERILIZED DOG/CAT

OR

\$20.00 1 YEAR REGISTRATION FEE (INTACT) DOG/CAT

OR

\$60.00 3 YEAR REGISTRATION FEE (INTACT) DOG/CAT

RABIES INOCULATION FEE

FEE ESTABLISHED BY VETERINARIAN AND/OR ADMINISTRATOR ADMINISTERING THE
INOCULATION

DOG RUNNING AT LARGE

\$25.00 PUBLIC SAFETY FINE

STERILIZATION FEE (FEE ESTABLISHED BY VETERINARIAN AND/OR ADMINISTRATOR
ADMINISTERING THE STERILIZATION)

\$20.00 PER DAY POUND BOARDING FEE (EACH FRACTION OF A DAY IS CONSIDERED
A SEPARATE DAY)

\$200.00 IMPOUNDMENT FEE (FIRST OFFENSE)

OR

\$250.00 IMPOUNDMENT FEE (SECOND OFFENSE)

OR

\$500.00 IMPOUNDMENT FEE (THIRD AND EACH SUBSEQUENT OFFENSE)

\$10.00 1 YEAR REGISTRATION FEE (IF ANIMAL UNLICENSED)

OR

\$30.00 3 YEAR REGISTRATION FEE (IF ANIMAL UNLICENSED)

\$16.00 1 YEAR RABIES INNOCULATION FEE

OR

\$24.00 3 YEAR RABIES INNOCULATION FEE

MICROCHIPPING FEE (FEE ESTABLISHED BY VETERINARIAN AND/OR ADMINISTRATOR
ADMINISTERING THE MICROCHIPPING)

VICIOUS DOG

\$100.00 PUBLIC SAFETY FINE

\$500.00 NON COMPLIANCE FINE

DANGEROUS DOG

\$50.00 PUBLIC SAFETY FINE

\$500.00 NON COMPLIANCE FINE

RECKLESS DOG OWNER

\$500.00 PUBLIC SAFETY FINE (NON FORFEITURE) (EACH DAY IS CONSIDERED A
SEPARATE OFFENSE)

ANIMAL CLINIC

\$15.00 MICROCHIPPING FEE