



ANIMAL CONTROL
Official Kane County Animal Ordinance

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ANIMAL CONTROL ORDINANCE

KANE COUNTY

Ordinances relating to animals, including but not limited to stray animal control; rabies prevention; the liability of a person owning or harboring a dog or other animal, which attacks or injures a person; humane care and treatment of animals; providing penalties for violations thereof; and to repeal other ordinances herein named.

Be it enacted by the People of Kane County, represented by the County Board:

5/1. Short title

§ 1. This Ordinance shall be known and may be cited as the Animal Control Ordinance.

Article I. General Definitions

5/2. Definitions

§ 2. As used in this Ordinance, unless the context otherwise requires, the terms specified in Sections 2.01 through 2.201 have the meanings ascribed to them in those Sections

5/2.01. Administrator

§ 2.01. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Ordinance. In the event the Administrator is not a licensed veterinarian, the Administrator shall appoint a veterinarian licensed by the State of Illinois as a deputy Administrator, who shall also be known as the county veterinarian. In the event the Administrator is not a veterinarian, the Administrator shall defer to a veterinarian regarding all medical decisions.

5/2.02. Animal

§ 2.02. "Animal" means any living vertebrate creature, domestic or wild, other than man.

5/2.02a. Companion Animal

§ 2.02a. "Companion animal" means any animal commonly considered to be, or to be used as a pet. "Companion animal" includes but is not limited to canines, felines, and equines.

5/2.03. Animal Control Warden

§ 2.03. "Animal Control Warden" means any person appointed by the Administrator to perform duties as assigned by the Administrator to effectuate this Ordinance.

5/2.03a Business Day

"Business day" means any day including holidays that the Animal Control facility or other contracted pounds are open to the public for animal reclaims.

5/2.04. Board

§ 2.04. "Board" means the Kane County Board.

5/2.04a Cat

"Cat" means all members of the family Felidae.

5/2.05. Confined

§ 2.05. "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.

5/2.06. Control

2.06. "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.

5/2.06a Dangerous Dog

"Dangerous dog" means any individual dog when 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 in a public place.

5/2.07. Department

2.07. "Department" means the Kane County Animal Control Department.

5/2.08. Deputy Administrator

§ 2.08. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator.

5/2.9. Dog

§ 2.9. "Dog" means all members of the family Canidae.

5/2.9a. Bitch in Season

2.9a. "Bitch in Season" means any female dog that is in estrous or a period of reproductive fertility so as to be attractive to male dogs.

5/2.9b. Enclosure

"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 to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, 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.

5/2.9c. Feral Cat

"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, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized or lives on a farm.

5/2.10. Has been bitten

§ 2.10. "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.

5/2.11. Humane society

§ 2.11. "Humane society" means any chartered, not for profit organization authorized to do business in this State and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

5/2.11b. Impounded

"Impounded" means taken into the custody of a public animal control facility in Kane County.

5/2.12. Inoculation against rabies

§ 2.12. "Inoculation against rabies" means the injection of an anti-rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the manufacturer's recommendations for the vaccine used.

5/2.13. Leash

§ 2.13. "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.

5/2.14. Licensed veterinarian

§ 2.14. "Licensed veterinarian" means a veterinarian licensed by the State in which he/she engages in the practice of veterinary medicine

5/2.15. Livestock management facility

§ 2.15. "Livestock management facility" means any on-farm animal feeding operation, on-farm livestock shelter, or on-farm milking and accompanying milk handling area.

5/2.16. Owner

§ 2.16. "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 domestic, wild or exotic animal to remain on or about any premise occupied by that person.

5/2.16b

Owners must be 18 years of age or older.

5/2.17. Person

§ 2.17. "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.

5/2.17b. Physical Injury

"Physical Injury" means the impairment of physical condition.

5/2.17c. Serious Physical Injury

"Serious Physical Injury" means a physical injury that creates a substantial risk of death or that causes death, serious protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

5/2.18. Pound

§ 2.18. "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.

5/2.19. Registration certificate

§ 2.19. "Registration certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Ordinance.

5/2.20. Stray or Straying Animal

2.20. "Stray" or "Straying Animal" means a dog or other animal not on the property of the owner or not confined or under control by a leash or other recognized control measures.

5/2.20b. Vicious Dog

"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.

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Article 2. Administrator-Appointment and Duties

5/3. Appointment of administrator--Appointment of Deputy Administrators and Animal Control Wardens--Compensation--Removal--Personnel and facilities

§ 3. The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board. In the event the Administrator is not a licensed veterinarian, the Administrator shall appoint a veterinarian licensed by the State of Illinois as a deputy administrator, who shall be known as the county veterinarian.

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.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Ordinance.

The Board is authorized by ordinance to require the registration of dogs, cats, and other animals and shall impose an individual animal and litter registration fee. All persons selling animals or keeping registries of animals shall cooperate and provide information to the Administrator, as required by Board ordinance, including sales, number of litters, and ownership of said animals.

5/5. Duties of Administrator--Police powers--Cooperation of sheriff and police

§ 5. It shall be the duty of the Administrator, or the Deputy Administrator, through humane education, rabies inoculation, stray control, surgical sterilization of animals, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies, to exercise dog and cat overpopulation control in Kane County, and to effectuate and enforce all other provisions of this ordinance. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 21 of this Ordinance.¹

The Administrator, Deputy Administrators, and Animal Control Wardens are, for the purpose of enforcing this Ordinance, clothed with power of police officers in Kane County and within the County are peace officers in the enforcement of the provisions of this Ordinance, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or warrants for violation of this Ordinance and to execute and serve all warrants and processes issued by any circuit court; however, such peace officers are prohibited from carrying concealed weapons. The sheriff and his deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in

carrying out the provisions of this Ordinance.

For purposes of making inspections hereunder, the Administrator, or his authorized representative, or any law enforcement officer may enter upon private premises, provided 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 animal or an animal thought to be infected with rabies. If, after request thereof, the owner of the animal shall refuse to deliver the animal to the officer, the owner shall be in violation of this act.

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Article 3. Animal Control Fund

5/7. Remittance of fees--Animal Control Fund--Use of fund

§ 7. All tag fees collected shall be remitted to the County Treasurer, who shall place the monies in the Animal Control Fund. This fund shall be set up by him 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 21 of this Ordinance and for the following purposes as established by ordinance of the County Board; for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs incurred in carrying out the provisions of this Ordinance concurred in by the County Board relating to animal control, except as set forth in Section 21.

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Article 4. Rabies Control and Stray Dog Control; Animals as Public Nuisances

5/8. Inoculation against rabies required--Rabies inoculation tags--Sale and distribution of vaccine

§ 8. Every owner of a dog or cat four months or more of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian. Every dog or cat shall have a second rabies vaccination within one year of the first vaccination and every year thereafter. However, if the vaccine used is one recognized by the Illinois Department of Agriculture for a three year period of immunity, and the dog or cat is over twelve (12) months of age at the time of inoculation, the interval between inoculations may be extended to three (3) years. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog or cat shall procure from the Department serially numbered tags, one to be issued with each inoculation certificate. The veterinarian immunizing an animal shall provide the Administrator with a certificate of immunization. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog or cat inoculated against rabies.

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 and approved by the Illinois Department of Agriculture.

5/8.1 If the ownership of a pet changes, the following apply:

1. Pets shall be registered anew within thirty (30) days of a change in ownership.
2. No additional fee shall be charged to a new owner for the registration of a dog or cat, which has been previously registered with Kane County during the course of the same calendar year.
3. Change of ownership may be proven by a bill of sale, evidence of the previous registration and/or letter from the previous owner relinquishing ownership of the pet.

5/9. Dogs running at large--Public Nuisance - Impoundment

§ 9. Any dog not under the immediate control of its owner or the owner's agent, found straying or running at large within the corporate limits of the County of Kane shall be deemed and considered to be a public nuisance. Any dog found running at large or straying in any incorporated or unincorporated area of Kane County contrary to provisions of this Ordinance may be apprehended and impounded. It shall be the duty of the Kane County Animal Control Administrator to impound any dog not under immediate control of its owner, or the owner's agent, found straying or running at large within the corporate limits of the County of Kane, but outside the limits of any municipality. For this purpose, the Administrator shall utilize any existing or available Animal Control Facility.

5/9a

Persons who utilize "invisible fencing" to contain any animal must display prominently on their property immediately adjacent to the public right of way a sign which indicates that any animal located thereon is contained by way of "invisible fencing". Invisible fencing installed after March 31, 2000, must be set back from the public right of way a minimum of four (4) feet.

5/9.1 Nuisance Animals

An animal shall be classed as a nuisance, and its owner held in violation of this ordinance when such animal shall commit and repeat any of the following acts:

- Molesting persons or moving vehicles by chasing or otherwise encumbering them;
- Attacking other animals that are being maintained in a lawful and otherwise proper way on the premises of their owner(s) or that are in the ordinance prescribed control of their owners away of their homes premises;
- Damaging property other than that of the owner.

5/9.2. Bitch in Heat- Unlawful to leave tied or unattended outdoors.

9.2. It shall be unlawful for any person to stake out unattended, or leave unrestrained outside and unattended any female dog in season.

5/9.3. Dog Barking or Other Animals Emitting Loud Noises- Provisions for Abatement.

9.3. It shall be unlawful for any owner or other person to allow their dog or other animal to bark, howl, cry, whine, or otherwise emit loud noises day or night so as to disturb the peace or quiet of any person, place or neighborhood or family in any incorporated or unincorporated area of Kane County while said dog or other animal is not within the confines of the owner's residence or other enclosed building upon the owners property. Any dog or other animal emitting such noises shall be deemed and considered to be a public nuisance. Any person who shall fail, neglect or refuse to abate such nuisance after notice thereof, shall, for each twenty-four (24) hours thereafter during which said nuisance continues, be deemed to have committed a separate violation of this Ordinance and be subject to like penalty as that originally incurred.

Any county law enforcement officer or designated deputy enforcing officer, upon observing any violation of this Ordinance, shall issue a notice directed to the owner of the animal, which said notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than one day nor more than ten days after service of such notice.

Immediately upon the termination of the time allowed in any such notice for the abatement of such nuisance, the law enforcement officer or deputy enforcing officer who served such notice or any other law enforcement officer who shall be assigned by the Animal Control Administrator or Sheriff shall investigate to determine whether or not such nuisance has been abated.

In the event the owner of the animal has failed within the prescribed time to abate such nuisance, the citizen of the County of Kane who filed the original affidavit may file a complaint with the Circuit Court, charging violation of this ordinance and demanding that the owner be punished as herein provided.

The Court may, at it's discretion, use whatever means that it is necessary to abate the nuisance including but not limited to ordering the humane destruction of said animal causing the nuisance.

5/9.4 Nuisance Feeding Prohibited

The feeding of any cat, or other wildlife except birds, including hand feeding or the placing or setting out of food to be left attended or unattended, which creates or has the potential to create a hazard to public health or safety is hereby declared to be a public nuisance and to be unlawful.

5/10. Notice of impoundment--Service of notice--Redemption of impounded dog--Conditions

§ 10. When dogs or cats or other animals are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Department shall give notice of not less than 7 business days to the owner, if known, prior to disposal of the animal. Such notice shall be phoned to the owner or mailed or delivered to the last known address of the owner. An affidavit or testimony of the Administrator, or his authorized agent, who phones, mails or delivers such notice shall be prima facie evidence of the receipt of such notice by the owner of such animal. In case the owner of any impounded animal desires to make redemption thereof, he or she may do so on the following conditions:

1. present proof of current rabies inoculation, and current rabies tag, if applicable, or
2. pay for the rabies inoculation of the dog or cat, and tag fee, if applicable, and
3. pay for the implantation of a microchipping device and
4. pay the pound for the board of the dog or cat or other animal for the period it was impounded, and
5. pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.

This shall be in addition to any other penalties invoked under this Ordinance. If the owner is unknown because the animal has no means of identification readily and easily recognizable by the Department, the impounded animal shall be held for 5 business days. In any case where said animal is injured or sick, whether the owner is known or not, the licensed veterinarian examining said animal shall have the right to shorten the period of impoundment to whatever period he shall deem

necessary in order to alleviate the animals suffering or to prevent the spread of contagious disease.

5/11. Dogs not redeemed--Humane dispatch--Release without spaying or neutering prohibited--Adoption

§ 11. When not redeemed by the owner, a dog or cat or other animal which has been impounded for straying, failure to be inoculated and registered, or for any other reason, if applicable, in accordance with the provisions of this Ordinance shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound as a stray animal in accordance with laws that exist or may hereafter exist. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering and microchipped, or the person wishing to adopt an animal prior to the surgical procedure and microchipping having been performed shall have executed a written agreement promising to have such service performed within thirty (30) days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the animal pound or shelter, and any monies which have been deposited shall be forfeited. This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Ordinance and other existing laws. No animal shelter or pound shall release dogs or cats to an individual representing a rescue group unless the group has been licensed by the Illinois Department of Agriculture.

5/12. Animals exhibiting signs of rabies--Notice to Administrator-- Confinement of Animal -- Animals exposed--Confinement

§ 12. The owner of any animal which exhibits clinical signs of rabies, whether or not such animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine such animal under the direct supervision of a licensed veterinarian for a period of at least 10 days. Any animal in direct contact with such animal, whether or not the exposed animal has been inoculated against rabies, shall be confined as ordered by the Administrator.

5/13. Report of bite by an animal--Confinement--Report-- Notification by Administrator-- Report at end of confinement--Confinement in owner's house--Reduction of period-- Violations--Expense

§ 13. When the Administrator receives information that any person has been bitten by an animal, the Administrator, or his authorized representative, shall have such animal confined under the observation of a licensed veterinarian for a period of 10 days. Such veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such animal, on appropriate forms approved by the Department. The Administrator shall notify the attending physician or responsible health agency if the biting animal has not been presented for confinement. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the Department. When evidence is presented that such animal was inoculated against rabies within the time prescribed by law, 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 10 days, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory. At the end of the confinement period, such animal shall be examined by a licensed veterinarian.

It is unlawful for any person having knowledge that any person has been bitten by an animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such animal to euthanize, sell, give away, or otherwise dispose of any such animal known to have bitten a person, until it is released by the Administrator, or his authorized representative. It is unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of his or her responsibilities. Any expense incurred in the handling of an animal under this Section and Section 121 shall be borne by the owner. For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail.

When a person has been bitten by a police dog, 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. However, the police dog must remain under the constant supervision of its police handler.

5/14. Prevention of spread of rabies--Powers

§ 14. Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the Department shall act to prevent its spread among dogs, cats, and other animals. The Department may order:

1. That all dogs, cats, or other animals in the locality be:
 - Kept confined within an enclosure, or
 - Kept muzzled and restrained by leash.
2. That all owners or keepers of dogs, cats, or other animals take prophylactic measures as it deems necessary to

- prevent the spread of rabies.
3. Other measures as may be necessary to control the spread of rabies. The Department may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

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Article 5. Vicious and Dangerous Animals

5/15. Enclosure for vicious dog or other animal--Leash for dangerous dog or other animal--Exemptions--Injunction--Nuisance

In order for a dog or other animal to be deemed "vicious", the Administrator, Deputy Administrator, animal control warden, 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 or other animal is a vicious animal and give the report to the States Attorney's Office and the owner. The Administrator, States Attorney, or any other citizen of Kane County may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog or other animal to be a vicious animal. Testimony of a certified animal behaviorist may be relevant to the court's determination of whether the dog's or other animal's behavior was justified. The petitioner must prove the animal is a vicious animal by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog or other animal shall not be declared vicious if the court determines the conduct of the dog or other animal 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 other animal, or upon the property of the owner or custodian of the dog or other animal;
2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatened the dog or other animal or its offspring; or
3. The dog or other animal 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 or other animal to be a vicious animal.

If a dog or other animal is found to be a vicious animal, the animal shall be spayed or neutered within 10 (ten) day of the finding at the expense of the owner and microchipped, if not already, and is subject to enclosure. A dog or other animal found to be a vicious animal shall not be released to the owner until the Administrator or an animal control warden approves the enclosure. No owner or keeper of a vicious animal shall sell or give away the vicious animal without court approval. Whenever an owner of a vicious animal relocates, he or she shall notify the Administrator. The only times that a vicious animal is allowed out of the enclosure are i) if it is necessary for the owner or keeper to obtain veterinary care for the dog, ii) in case of an emergency or natural disaster where the animal's life is threatened, or iii) to comply with the order of the court, provided the animal is securely muzzled and restrained with a leash not exceeding 6 (six) feet in length, and shall be under the direct control and supervision of the owner or keeper of the animal or muzzled in its owners residence.

Any dog or other animal that has been found to be a vicious animal and is not confined to an enclosure shall be impounded by the Administrator, an animal control warden, or the law enforcement authority having jurisdiction in that area.

If the owner of the vicious animal has not appealed the impoundment order to the circuit court within 15 (fifteen) working days, the animal 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 all costs associated with the impoundment and the burden of timely notification to the Administrator in writing.

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 and registered with the Department for its specific duties. 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.

In order for a dog or other animal to be deemed "dangerous", the Administrator, Deputy Administrator, animal control warden, or other law enforcement officer must perform a thorough investigation which must include sending, within three (3) days of the Administrator becoming aware of the alleged infraction, notification to the owner of the animal alleged to have committed the infraction, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or his appointee prior to the making of a determination. The Administrator or his appointee shall gather any medical or veterinary evidence; interview witnesses; and make a detailed written report with his findings. No dog or other animal shall be deemed a "dangerous animal" without clear and convincing evidence. The owner of the dangerous animal shall be sent immediate notification of the determination by registered or certified mail that shall include a complete description of the appeal process. Testimony of a certified animal behaviorist may be relevant to the Administrator's determination of whether the dog's or other animal's behavior was justified pursuant to the provisions of the section.

No dog or other animal shall be declared dangerous if the Administrator or his appointee determines the conduct of the dog or other animal 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 other animal, or upon the property of the owner or custodian of the dog or other animal;
2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatened the dog or other animal or its offspring; or
3. The dog or other animal was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.
4. The injured, threatened or killed companion animal was attacking or threatening to attack the dog or other animal or its offspring.

If a dog or other animal is found to be a dangerous animal, the animal shall be spayed or neutered within 10 (ten) days of the finding at the expense of the owner and microchipped, if not already, and one or more of the following as deemed appropriate by the Administrator or his appointee:

1. Evaluation of the dog or other animal by a board certified veterinary behaviorist or other recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog or other animal shall be responsible for all costs associated with the evaluation and training ordered under this section.
2. Direct supervision and leash control by an adult 18 years of age or older when the animal is on public or private property other than the property of the owner.
3. The dog or other animal shall be muzzled when the animal is on public or private property other than the property of the owner in a manner that will prevent it from biting any person or other animal.

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 and registered with the Department for its specific duties. 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.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog or other animal to leave the premises of its owner when not under the control by a leash or other recognized control methods.

The owner of a dog or other animal found to be a dangerous animal pursuant to this Ordinance by the Administrator or his appointee may file a complaint against the Administrator or his appointee in the circuit court within thirty (30) days of receipt of the 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 a dangerous animal if the Administrator meets his burden of proof of clear and convincing evidence. 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 or his appointee.

Sec. 5-16. Prohibited Animals:

Possession of a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, any hybrid thereof, or any other similar feline animal, bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid, fox or any member of the vulpes family, any member of the crocodylian family, poisonous reptile, or any other life-threatening reptile shall be prohibited to be kept except at a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital in an escape-proof enclosure. All such persons or institutions shall possess State of Illinois, United States Department of Agriculture and Kane County permits enabling them to keep such animals and must be inspected and approved by the Kane County Animal Control Director prior to bringing such animals into Kane County, whether on a permanent or temporary basis.

Any person seeking a permit from Kane County must at a minimum demonstrate to the satisfaction of the Animal

Control Administrator the following:

1. That the enclosure in which the animal is confined is both escape proof and adequate to prohibit members of the public from coming into contact with the animal.
2. That there are adequate plans to recapture or euthanize any animal which does escape and file a copy of said plan with the Animal Control Administrator.
3. That the person has the education, training and skills and knowledge to provide adequate care for the animal as well as the safety of the public.
4. Provide a certification from a veterinarian that the animal is not diseased and otherwise in good health and have an attending veterinarian available to provide care for the animals.
5. Provide proof of the public liability insurance in the minimum amount of one million dollars (\$1,000,000.00)

A person applying for a permit shall pay a permit fee of one hundred dollars (\$100.00) and if re-inspection of facilities or plans are required than an additional fee of fifty dollars (\$50.00) per re-inspection or review of the plans. Said fee may be waived if the animals will be within Kane County on a temporary basis (less than 15 days). The permit shall be granted or denied within 14 days of receipt by the Kane County Animal Control Administrator of a completed application and all information or documentation required by this chapter. The granting or denial of a permit may be appealed any interested person to the Chairman of the Kane County Board within 7 days of receipt by the applicant of actual notice of the granting or denial of said application. Appeal shall be to the Chairman of the Kane County Board, his designee or anyone sitting in his stead.

Section 5-16.1 Definitions.

For the purpose of this chapter, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also signify the plural and the masculine form shall also signify the feminine.

Exhibitor means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects the public, regardless of compensation. This term includes carnivals, circuses, animal acts, zoos, and educational exhibits, exhibiting such animals whether operated for profit or This term excludes retail pet stores, horse and dog races, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows and any other fairs or exhibitions intended to advance agricultural arts and sciences as may be determined by the Kane County Animal Control Director.

Research facility means any school (except an elementary or secondary school), institution, organization or person that uses or intends to use live animals in research, test, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: Provided, That the Kane County Animal Control Director may exempt any such school, institution, organization, or persons that does not use or intend to use live dogs and cats, except those schools, institutions, organizations or persons, which use substantial numbers (as determined by the Kane county Animal Control Director) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Kane County Animal Control Director, any such exemption does not violate the purpose of this Chapter.

Zoo or zoological park means any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

Section 5-16.2 Personnel qualification for licensing.

1. It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians and other personnel involved in animal care, treatment, and use are qualified to perform their duties. This responsibility shall be fulfilled in part through the provision of training and instruction to those personnel.
2. Training and instruction shall be made available, and the qualifications of personnel reviewed, with sufficient frequency to fulfill the research facility's responsibility under this chapter.
3. Training and instruction of personnel must include guidance in at least one of the following areas:
 1. Humane methods of animal maintenance and experimentation including:
 - The basic needs of each species of animal;
 - Proper handling and care for the various species of animals used by facility;
 - Proper pre-procedural and post-procedural care of animals
 - Aseptic surgical methods and procedures.
 2. The concept, availability, and use of research or testing methods that limit the use of animals or minimize animal distress;
 3. Proper use of anesthetics, analgesics, and tranquilizers for any species of animals used by the facility;
 4. Methods whereby deficiencies in animal care and treatment are reported, including deficiencies in animal care and treatment reported by any employee of the facility. No facility employee or laboratory personnel shall be discriminated or be subject to any reprisal for reporting any violations of any regulation or standards under this chapter.
 5. Utilization of services (ie. National Agricultural Library, National Library of Medicine) available to provide

information:

- On appropriate methods of animal care and use;
- On alternatives to the use of live animals in research;
- That could prevent unintended and unnecessary duplication of research involving animals
- Regarding the intent and requirements of this chapter.

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Article 6. Owner Liability

5/17. Liability of owner of dog or other animal attacking or injuring person

§ 17. If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained.

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Article 7. Dog killing other animals-Animal Owner Rights-Dog Owner Liability

5/19. Killing of dog seen to injure, wound or kill domestic animals

§ 19. Any owner seeing his sheep, goats, cattle, horses, mules, swine, ratites, or poultry being injured, wounded, or killed by a dog or other animal, not accompanied by or not under the supervision of its owner, may pursue and kill such dog or other animal.

5/20. Liability of dog owner--Damages caused to sheep, goats, cattle, horses, mules, poultry, or swine

§ 20. 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.

5/21. Reimbursement of owner of domestic animals killed or injured by dog--Procedure

§ 21. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of this Ordinance, and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this County and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and he or she shall have appeared before the Administrator or his authorized representative and makes an 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. Members of the Department are authorized to administer oaths in such cases.

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 sheep, goats, cattle, horses, mules, swine, or poultry 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 is entitled. Unless the county board, by ordinance, establishes a schedule for damages reflecting the reasonable market value; the damages allowed for grade animals or poultry shall not exceed the following amounts:

- For goats killed or injured, \$30 per head.
- For cattle killed or injured, \$300 per head.
- For horses or mules killed or injured, \$200 per head.
- For swine killed or injured, \$50 per head.
- For turkeys killed or injured, \$5 per head.
- For sheep killed or injured, \$30 per head.
- For all poultry, other than turkeys, \$1 per head.

The maximum amounts herein above set forth may be increased 50% for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient money in the portion of the fund set aside as stated in Section 71 to pay all claims for damages in full, then the County Treasurer shall pay

to such owner of animals or poultry his pro rata share of the money available.

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Ordinance.

5/22. Payment to owner of domestic animals no bar to action for damages--Repayment to Animal Control Fund

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

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Article 8. Animal Care

5/23. Owner's duties

§ 23. Each owner shall provide for each of his animals:

1. sufficient quantity of good quality, wholesome food and water;
2. adequate shelter and protection from the weather;
3. veterinary care when needed to prevent suffering; and
4. humane care and treatment.

5/24. Cruel treatment

§ 24. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

5/25. Aggravated Cruelty

§ 25. Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

5/26. Prohibited acts

§ 26. No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks, ducklings or reptiles shall not be sold, offered for sale, bartered, or given away as pets or novelties. Rabbits, ducklings, baby chicks or reptiles, shall not be awarded as prizes in any game of chance. No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter a business agreement whereby the offer was for the purpose of attracting trade. No person shall be permitted to keep animals in violation of the "Illinois Humane Care for Animals Act" or the "Illinois Animal Welfare Act".

5/27. Animals for use in entertainment--Prohibited acts

§ 27

1. No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.
2. No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

3. No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.
4. No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
5. No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
6. No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.
7. No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.
8. No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.
9. No person shall hold a greased pig contest.

5/28. Arrests--Possession of dogs, paraphernalia, implements, etc.--Veterinarian's report

§ 28

1. Any law enforcement officer making an arrest for an offense involving one or more dogs under Section 5.27 of this Ordinance shall lawfully take possession of all dogs and all paraphernalia, implements, or other property or things used or employed, or about to be employed in the violation of any of the provisions of Section 5.27 of this Ordinance. Such officer, after taking possession of such dogs, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of Section 5.27 of this Ordinance. He shall thereupon deliver the property so taken to the court, which shall, by order, place the same in custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the State's attorney of Kane County and the Department. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.
2. Any veterinarian in this County who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, dates and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), shall have immunity from any liability, civil, criminal or that otherwise might result by reason of such actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

5/29. Teasing, striking or tampering with police dogs prohibited

§ 29. Teasing, striking or tampering with Police Dogs Prohibited. It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to any dog used by a law enforcement officer in the performance of his functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of said department or agency.

5/30. Injury or killing police dogs prohibited

§ 30. Injury or Killing Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

5/31. Equidae--Acts prohibited and Stable Care

§ 31

1. No person shall sell, offer to sell, lead, ride, transport, or drive on any public way any equidae which, because of debility, disease, lameness or any other cause, could not be worked in this County without violating this Ordinance, unless the Equidae is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Such Equidae may be conveyed to a proper place for medical or surgical treatment, for humane keeping or euthanasia, or for slaughter in an approved slaughtering establishment.
2. Every person in possession or control of any stable or place open for public use where animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to Illinois and Kane County Fire Prevention Regulations.

5/32. Poisoning dogs or other domestic animals prohibited--Exception

§ 32. No person may knowingly poison or cause to be poisoned any dog or other domestic animal. The only exception will be by written permit from the Department for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a written permit shall name the person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved, and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drug used for euthanasia shall be by or under the direction of a licensed veterinarian.

5/33. Transportation of animals

§ 33. No owner, railroad or other common carrier may, when transporting any animal, allow that animal to be confined in any type of conveyance more than 24 consecutive hours without being exercised as necessary for that particular type of animal and without being properly rested, fed and watered; except that a reasonable extension of this time limit shall be granted when a storm or accident causes a delay. In the case of default of the owner or consignee, the company transporting the animal shall exercise the animal, when necessary for the particular type of animal and for the proper resting, feeding, watering and sheltering of such animal, and shall have a lien upon the animal until all expenses resulting there from have been paid.

5/34. Confinement in motor vehicle and Animal Transport.

§ 34

1. No owner or person shall confine any animal in a motor vehicle or enclosed trailer in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat (>86 degrees F) or cold (20 degrees F), without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle or trailer by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.
2. No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle unless the space is enclosed or has side and tail racks to a height of at least 48 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from being thrown, falling or jumping from the vehicle.

5/35. Downed and Injured Animals

§ 35

1. For the purpose of this Section a downed animal is one incapable of walking without assistance.
2. No downed animal shall be sent to a stockyard, auction, or other facility where its impaired mobility may result in suffering. An injured animal may be sent directly to a slaughter facility.
3. A downed animal sent to a stockyard, auction, or other facility in violation of this Section shall be humanely euthanized, the disposition of such animal shall be the responsibility of the owner, and the owner shall be liable for any expense incurred. If an animal becomes downed in transit it shall be the responsibility of the carrier.
4. A downed animal shall not be transported unless individually segregated.
5. In unincorporated areas of Kane County, any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed unto private property outside of a structure shall be removed, if possible, by the Kane County Animal Control and be transported to the nearest veterinarian or veterinary clinic willing to accept such animal. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition, such animal shall be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.
6. Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible, or shall immediately report such injury to the animal owner, if known, or to the appropriate law enforcement agency.

5/36. Injury or Killing of Protected Animals

36. No person shall injure or kill, or attempt to injure or kill or disturb the nest of any bird or other animal that is protected by Federal or State Law.

5/37. Animal Excrement- Owners obligation for Disposal

37. No person shall allow cat or dog feces to accumulate in any yard, pen, or premises in or upon which a cat or dog shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing cat or dog. No person shall fail to remove feces deposited by his cat or dog, except guide dogs, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without the person's consent.

5/38. Diseased Animals Prohibited

38. No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.

5/39. Dead Animals

39. Any person having a dead animal within his or her possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act.

5/40. Trapping of Animals- Regulations

40. It shall be unlawful for any person to place, set, use, or maintain a leghold or body-gripping trap or one of similar construction to capture a dog, cat, any livestock or other domestic animal.

It shall be unlawful to set these above named types of traps in any of the following areas:

1. Within one hundred fifty (150) feet of any dedicated right-of-way.
2. Within one thousand (1000) feet of a school, public park, library, museum or public swimming pool.
3. Within one thousand (1000) feet of a residential dwelling unless the trap(s) are set in an area meeting the following conditions:
 - o The area is enclosed by a fence or other barrier in a sturdy condition and at least three (3) feet in height.
 - o The area is posted with warning signs on the fence or barrier stating: WARNING - TRAPS IN USE in lettering at least one inch high. Such signs shall be visible at a distance of fifty (50) feet and shall be maintained in readable condition.
 - o Any trap(s) set shall be marked with a red, yellow or orange warning flag or marker which extends at least one (1) foot above surrounding vegetation, water or other surrounding ground debris.

All incidents of a human, a dog, cat, any livestock or other domestic animal being trapped, or injured by one of the aforementioned traps shall be reported to the Kane County Animal Control Department. All such animals shall be released and returned to their owners, if known, or brought to the Kane County Animal Control Department.

The placing, setting, using or maintaining of leghold or body-gripping traps contrary to the above provisions shall only be permitted in writing by the Administrator after he has made the determination that the use of such traps is necessary to the health and safety of the County's inhabitants and/or domestic animals or to prevent the spread of rabies. Such written approval shall designate the location where the trap(s) may be set, the time period during which the trap(s) will be at the location and the type(s) of trap(s) to be used. In no case shall the trap(s) remain in one location for more than seven (7) days without the further approval from the Administrator. The trap(s) shall not be left unattended for periods of time of longer than twenty-four (24) hours. Each such trap shall have a tag attached to it stating the name, address and phone number of the owner of the trap.

Nothing in this section shall prohibit the use of traps designed to kill pests or vermin such as mice, rats, gophers or moles when used for their intended purpose.

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Article 9 Administrative Rules

5/41. Administration of Ordinance--Rules and regulations

§ 41. The Department shall administer this Ordinance and shall promulgate such rules and regulations as are necessary to effectuate the purposes of this Ordinance. Such rules and regulations are subject to the approval of the Kane County Board.

The Administrator may, in formulating rules and regulations pursuant to this Ordinance, seek the advice and recommendations of humane societies in this State.

5/42. Qualifications for approved humane investigators--Listing of investigators

§ 42. Humane investigators; qualifications. The Department shall, by rule or regulation, establish reasonable qualifications for approved humane investigators and shall maintain a current listing of all approved humane investigators which shall be available for public inspection. These qualifications shall include, but need not be limited to, a knowledge of the provisions of this Ordinance and its rules and regulations and expertise in the investigation of complaints relating to the care and treatment of animals. Persons designated as humane investigators shall cooperate, when requested, in completing routine investigations and filing reports of violations of this Ordinance received by the Department.

Employees of the Department may be assigned as Department investigators.

5/43. Entry upon premises for investigation of complaints-- Exemption--Assistance of State's Attorneys and law enforcement officials

§ 43. Upon receiving a complaint of a suspected violation of this Ordinance, a Department investigator, any law enforcement official, or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order. Institutions operating under federal license to conduct laboratory experimentation utilizing animals for research or medical purposes are, however, exempt from the provisions of this Section. The Kane County State's Attorneys and law enforcement officials shall provide such assistance as may be required in the conduct of such investigations. Any such investigation requiring legal procedures shall be immediately reported to the Department of Agriculture. No employee or representative of the Department shall enter a livestock management facility unless sanitized footwear is used, or unless the owner or operator of the facility waives this requirement. The employee or representative must also use any other reasonable disease prevention procedures or equipment provided by the owner or operator of the facility. The animal control administrator and animal control wardens appointed under this Ordinance shall be authorized to make investigations complying with this Section for alleged violations of Sections 5.24 and 5.25 pertaining to small companion animals. If impoundments are made by wardens, public pounds operated by or contracted by Kane County shall be utilized. The animals impounded shall remain under the jurisdiction of the animal control administrator and be held in an animal pound licensed under the Animal Welfare Act, State of Illinois. All litigation, appeal, and disposition of the animals so held will remain with Kane County.

5/44. Notification to violator--Impoundment upon refusal or failure to take corrective action

§ 44

1. If an investigation under Section 5.37 discloses that a violation of this Ordinance has been committed, the approved humane investigator shall furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this Ordinance and that a maximum of 48 hours may be granted in which to take corrective action.
2. If the violator fails or refuses to take corrective action necessary for compliance or if the violator is still unknown after an attempt to identify ownership, the humane investigator shall contact the Illinois Department of Agriculture and request authorization to impound the animal or animals. The Illinois Department of Agriculture may authorize impoundment if a review of facts gathered by the humane investigator indicates a violation of Section 5.24 or 5.25 of this Ordinance has occurred and the violator, if known, has failed or refused to take corrective action necessary for compliance.

This Section shall not apply to violations committed under Section 5.27 of this Ordinance.

5/45. Impounding animals--Notice of impoundment--Lien for expense-- Sale or disposition of animal

§ 45. Impounding animals; notice of impoundment.

1. When an approved humane investigator, a Department investigator or a veterinarian finds that a violation of this Ordinance has rendered an animal in such a condition that no remedy or corrective action by the owner is possible or the violator fails or refuses to take corrective action necessary for compliance pursuant to Section 5.39 of this Ordinance, the Department may impound the animal. The animal shall be impounded in a facility which will provide the elements of good care as set forth in Section 5.23 of this Ordinance, where such animals shall be examined by a licensed veterinarian.
2. A notice of impoundment shall be given by the investigator to the violator, if known, in person or sent by certified or registered mail. A copy of the notice shall be retained by the investigator and a copy forwarded immediately to the Illinois Department of Agriculture. The notice of impoundment shall include the following:
 1. A number assigned by the Illinois Department of Agriculture which will also be given to the impounding facility accepting the responsibility of the animal or animals.
 2. Listing of deficiencies noted.
 3. An accurate description of the animal or animals involved.
 4. Date on which the animal or animals were impounded.
 5. Signature of the investigator.

6. A statement that: "The violator may request a hearing to appeal the impoundment. A person desiring a hearing shall contact the Illinois Department of Agriculture within 7 days from the date of impoundment" and the Department of Agriculture will hold an administrative hearing within 7 days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the 7-day impoundment period, the Department of Agriculture shall notify the impounding facility that it cannot sell, offer for adoption or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired.

If a hearing is requested by any owner of impounded animals, the Hearing Officer shall have the authority after hearing the testimony of all affected parties, to render a decision as to the disposition of the impounded animals. This decision by the Hearing Officer shall have no effect on the criminal charges that may be filed with the appropriate authorities.

Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from the facility. When the animal is not claimed by its owner and all impoundment costs satisfied within 7 days, it may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Ordinance, with the proceeds of that sale applied first to discharge the lien and any balance to be paid over to the owner. If no purchaser is found, the animal may be offered for adoption or disposed of in a manner not inconsistent with this or any other Ordinance.

5/46. Normal husbandry practices--Construction with other acts

§ 46. Nothing in this Ordinance affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. In case of any alleged conflict between this Ordinance, or regulations adopted hereunder, and the "Wildlife Code of Illinois"¹ or "An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale", approved July 26, 1967, as amended, the provisions of those Acts shall prevail.

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Article 10. Municipal Powers

5/47. Powers of municipalities and other political subdivisions to regulate dogs and other animals

§ 47. 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 Act 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 including a requirement of inoculation against rabies.

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Article 11. Invalid Rule or Regulation

5/48. Effect of invalid section, part of section, rule or regulation

§ 48. 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.

5/49. Violations--Punishment

§ 49

1. Any person violating or aiding in or abetting the violation of any provision of this Ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Ordinance, or refusing to produce for inoculation any dog or cat in his possession, or who removes a tag from a dog or cat for purposes of destroying or concealing its identity, is guilty of an ordinance violation and shall be fined not less than \$75 nor more than \$500
Each day a person fails to comply constitutes a separate offense. The Kane County State's Attorney to whom the Administrator reports any violation of this Ordinance shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.
2. If the owner of a dog or other animal subject to enclosure:
 1. fails to maintain or keep the dog or other animal in an enclosure or fails to spay, neuter and or microchip the dog or other animal; and
 2. the dog or other animal inflicts great bodily harm, permanent disfigurement, permanent physical disability

- 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 and where such person may lawfully be; the owner shall be guilty of an ordinance offense. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

5/50. Failure, refusal or neglect of officer to carry out Act-- Punishment

§ 50. Any officer failing, refusing, or neglecting to carry out the provisions of this Ordinance shall be guilty of an ordinance violation and shall be fined not less than \$75 nor more than \$500 for each offense.

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