

STATE OF ILLINOIS)
)
COUNTY OF FULTON)

SS.

FULTON COUNTY BOARD
MARCH SESSION, A.D. 2006

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RESOLUTION

WHEREAS, the County of Fulton on December 9, 2003 passed an Ordinance known as the Fulton County Animal Control Ordinance; and,

WHEREAS, said Ordinance established an annual registration fee for inoculated animals; and,

WHEREAS, the Fulton County Board on February 14, 2006 passed a Resolution amending said Animal Control Ordinance; and,

WHEREAS, said Resolution contains certain scrivener's errors that need to be corrected; and,

WHEREAS, the Illinois State Legislature has recently enacted a new law requiring each county to send ten dollars (\$10.00) per non-spayed/neutered registered animal to the State of Illinois for animal population control program or to establish their own animal population control program; and,

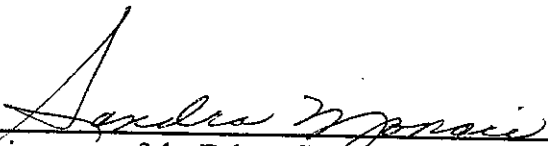
WHEREAS, it is necessary to amend said Ordinance so that Section 35 B.1 shall read twenty-eight dollars (\$28.00) for one year, and Section 35 B.2 shall read fifty-two dollars (\$52.00) for three years; and,

WHEREAS, it is recommended by the Safety Committee of the Fulton County Board that the previous Resolution be rescinded and that this Resolution be adopted with the new fees effective beginning April 1, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Fulton County Board that the Fulton County Animal Control Ordinance originally passed on December 9, 2003 be amended by changing the following language to Section 35. Section 35 B.1 shall read twenty-eight dollars (\$28.00) for one


year, and Section 35 B.2 shall read fifty-two dollars (\$52.00) for three years, and, further that the Resolution amending the Animal Control Ordinance passed on February 14, 2006 shall be and is hereby rescinded. The new amounts shall be effective as of April 1, 2006.

ADOPTED this 14th day of March, A.D. 2006.



Chairperson of the Fulton County Board

ATTEST:



Ex-Officio Clerk of the Fulton County Board

Effective Date: 1/1/2004

AN ORDINANCE

This ordinance shall be known as and referred to as the FULTON COUNTY ANIMAL CONTROL ORDINANCE.

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

WHEREAS, Illinois Compiled Statutes, Chapter 510, Act 5, Section 1 et seq requires the County to effectuate a program for stray animal control and rabies prevention.

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

Section 1. REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS. The prior Fulton County Animal Control Ordinance adopted by the Fulton County Board is hereby repealed as of the effective date of this ordinance, January 1, 2004.

Section 2. DEFINITIONS. Whenever used in this ordinance, unless a contrary intention is clearly evident, the following terms are used as herein defined:

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

- (b) Animal Control Warden means any person approved by the County Board to perform the duties assigned to that person by the Animal Control Act, the Fulton County Animal Control Ordinance or the Administrator.
- (c) Dog means all members of the family Canidae.
- (d) 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.
- (e) Animal means every living creature other than man, which may be affected by rabies.
- (f) Has been bitten means has been seized with the teeth or jaws, so that the person or thing seized has been nipped or gripped, or has been wounded or pierced and includes contact of saliva with any break or abrasion of skin.
- (g) Inoculation against rabies means the injection subcutaneously or otherwise as approved by the Department of Agriculture, of anti-rabid vaccine approved by the Department of Agriculture.
- (h) Board means the Fulton County Board.
- (i) Department means the Department of Agriculture, State of Illinois.
- (j) Act means the Animal Control Act, Illinois Compiled Statutes, Chapter 510, Act 5, Section 1 et seq.
- (k) Leash means a cord, rope, strap, chain or frame not more than 6 feet in length which shall be securely fastened to the collar or harness of a dog and shall be of sufficient strength to keep such dog under control.

- (l) At large -Any dog shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person.
- (m) Restraint -A dog, off the premises of its owner's real property is under restraint within the meaning of this ordinance:
- (1) If it is controlled by a "leash" as defined under this ordinance when said leash is held by a competent person.
 - (2) When at "heel" of a competent person.
 - (3) When within a vehicle being driven, parked, or stopped.
 - (4) When not more than fifty (50) feet from a competent person, if such dog is not annoying or worrying any humans or domestic animals, or trespassing on private property or in a public area where dogs are forbidden.
- (n) Competent person means a human being that is capable of controlling and governing the dog in question, and to whose commands the dog is obedient.
- (o) Rural - Idle land or land which is used for agriculture through a lack of streets, lots, utilities, is unsuitable for city use whether located within the limits of a municipality or not.
- (p) 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.

- (q) Kennel operator means any person who operates an establishment, other than a pound or animal shelter, where dogs or cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised. A person who owns or harbors 5 or less breeding females shall not be considered a kennel operator.
- (r) Cattery operator means any person who operates an establishment, other than a pound or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and raised. A person who owns or harbors 5 or less breeding females shall not be considered a cattery operator.
- (s) Pound or animal control facility may be used interchangeable, 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.
- (t) Business day means any day including holidays that the animal control facility is open to the public for animal reclaims.
- (u) Cat means all members of the family Felidae.
- (v) Confined means restriction of an animal at all times by the owner, or its agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

- (w) 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.
- (x) Deputy Administrator means a veterinarian licensed by the State of Illinois, appointed by the Administrator.
- (y) Enclosure means a fence or structure of at least six 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 secured 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, 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.
- (z) 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 not longer socialized or lives on a farm.
- (aa) Impounded means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

- (bb) Peace Officer has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.
- (cc) 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.
- (dd) Physical injury means the impairment of physical condition.
- (ee) Serious physical injury means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ or plastic surgery.
- (ff) Vicious dog means a dog that, without justification, attacked 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.

Section 3. ANIMAL CONTROL PERSONNEL.

The Chairman of the Fulton County Board shall appoint an Administrator with the consent of the Board to administer the Fulton County Animal Control Ordinance. 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 Fulton County Board. The compensation for Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Fulton County Board at such salary and with such expenses as shall be set annually by the Board and incorporated in the annual budget.

The Administrator, Deputy Administrators, and Animal Control Wardens 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.

The Board shall be empowered to utilize monies from the General Corporate Fund to effectuate the intent of this Ordinance and of the Animal Control Act.

Section 4. DUTIES AND POWERS.

It is 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 Animal Control Act.

The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for a violation of the Animal Control Act and for violations of the Fulton County Animal Control Ordinance.

The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. Animal Control Wardens,

however, may use tranquilizer guns and other non-lethal weapons and equipment without specific weapons authorization.

The Sheriff and all Sheriff's Deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of the Animal Control Act and of the Fulton County Animal Control Ordinance.

Section 5. RABIES INOCULATION.

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. 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 County Animal Control serially numbered tags, one to be issued with each inoculation certificate. Only one dog or cat shall be included on each certificate. The veterinarian immunizing or micro chipping an animal shall provide the Administrator with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog and cat inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to licensed veterinarians. Such rabies vaccine shall be licensed by the United States

Department of Agriculture.

Section 6. FEMALE DOGS -CONFINEMENT.

All female dogs shall be securely confined in an enclosed place while in heat and in such a manner that male dogs cannot make entry into such enclosed place.

Section 7. TAGS.

A. The administrator, his deputies or any licensed veterinarian who inoculates dogs and/or cats against rabies shall procure from the county serially numbered tags, one to be issued with each inoculation certificate. Such tag shall at all times be attached to a collar or harness worn by the dog for which the certificate and tag have been issued. The cost of the tags shall be determined by the Board. Valid rabies inoculation tags and certificates from other counties shall be honored while the animal is in transit or the dog owner has established residence in this County.

B. The Administrator, his deputies, or any licensed veterinarian administering inoculation shall at the time of inoculation collect such tag fee from the dog and/or cat owner as is fixed by the Board. Such fees shall be fixed in such amount as may be required to pay all costs to the County of the animal control program as established pursuant to the Animal Control Act. Such tag fees shall be paid to the county treasurer and placed in a county animal fund to be set up for the purpose of paying all costs of the animal control program.

All veterinarians practicing veterinarian medicine within the County of Fulton shall remit to Treasurer of Fulton County payment in full of all collected fees for rabies inoculation tags on a quarterly basis. Remittances by such veterinarians practicing

veterinary medicine within the County of Fulton shall be paid on or before January 1, April 1, July 1, and October 1 of each and every year.

Section 8. IMPOUNDMENT.

The Administrator, his deputies, or Animal Control Officers, and any peace officer may apprehend and impound the following dogs or animals:

- (a) Any dog or animal which has bitten a person subject to the limitations of §12 of this Ordinance.
- (b) Dogs four months or more of age which have not been inoculated against rabies by a licensed veterinarian.
- (c) Dogs four months or more of age not on the premises of their owner and which do not have a current, valid rabies inoculation tag attached to their collar or harness.
- (d) Dogs under four months of age not on the premises of their owner and which do not have an identification tag specifying the owner's name, address, and telephone number attached to their collar.
- (e) Dogs running "at large" as defined under this ordinance.
- (f) Any dog or animal exhibiting symptoms of rabies.
- (g) Any dog of the breed American Pit Bull Terrier subject to the limitations of §27 (D) of this ordinance.

For this purpose, the Administrator or his authorized representatives shall utilize any existing or available public pound.

Section 9. NOTICE TO OWNER.

When any dog or cat is apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator shall give notice of not less than seven (7) business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of animal.

Section 10. DISPOSITION AFTER IMPOUNDMENT.

A. Disposal. When not redeemed by the owner, a dog or cat that has been impounded shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. 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 micro chipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such serve performed, including micro chipping, within a specified period of time not to exceed thirty 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 charter; provided, they are not inconsistent with provisions of the

Animal Control Act, the Fulton County Animal 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 Illinois Department of Agriculture or incorporated as a not-for-profit organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with requirements set forth in the Animal Control Act.

Stray dogs that have no owner shall be humanely dispatched or offered for adoption after three days.

B. Redemption. In the case the owner of a dog or cat desires to make redemption thereof, he may do so on the following conditions:

- (1) The owner shall present proof of current rabies inoculation and tag fee;
or
- (2) The owner shall pay for the rabies inoculation and tag fee; and
- (3) The owner shall pay the pound for the board of the dog or cat, at a rate of \$18.00 for the first day of impoundment, and at the rate of \$10.00 per day for each subsequent day for the period it was impounded; and
- (4) The owner shall pay a \$25.00 penalty for the first impoundment and \$25.00 for each subsequent impoundment; which penalty shall be paid into the Animal Control Fund;
- (5) Dogs impounded under §8(a) of this Ordinance are also subject to the further requirements of §12 and §27 of this Ordinance;

(6) Dogs impounded under §8(f) are subject to the further requirements of §11 of this Ordinance;

(7) Dogs impounded under §8(g) are subject to the further requirements of §27 D of this Ordinance.

Section 11. SYMPTOMS OF RABIES. 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 or, if the Administrator is not a veterinarian, the Deputy 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 or, if the Administrator is not a veterinarian, the Deputy 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 is not a veterinarian, the Deputy Administrator.

Section 12. DOG OR OTHER ANIMAL BITES.

A. Confinement - Veterinarian. When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the

Administrator is not a veterinarian, the Deputy 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 the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department.

When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of ten days if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than ten days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

B. Failure to report dog bites. Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her

authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator, or, if the Administrator is not a veterinarian, the Deputy Administrator or his authorized representative. If such instructions can not be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Ordinance shall be borne by the owner.

C. 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. 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.

Section 13. Any person, violating or aiding in or abetting a violation of any provision of this Ordinance in regard to counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Ordinance, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. The State's

Attorney to whom the Administrator reports any violation of this Ordinance shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

Section 14. Nothing in this Ordinance shall be held to limit in any manner the power of any Municipality or other political subdivision to prohibit dogs or other animals from running at large, whether or not they have been inoculated as herein provided; 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 or other animals in such Municipality or other political subdivision.

Section 15. The Administrator or deputy officers or anyone enforcing the provisions of this Ordinance shall not be held responsible for any accident or disease that may happen to any dog or cat.

Section 16. The Board shall make annual report to the Department showing the number of dogs and cats inoculated, fees and penalties collected and the number of cases of rabies occurring in the respective county.

Section 17. The Board shall have general supervision of the administration of this Ordinance and may make reasonable rules and regulations, not inconsistent with this Ordinance, or the rules and regulations of Department, for the enforcement of this Ordinance and the guidance of the Administrator.

Section 18. All money paid into the County Animal Control Fund shall be used for paying the expenses of the Administrator and all other costs of the Animal Control Program, including establishing and operating one or more county dog pounds.

Section 19. When 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 Board shall prevent its spread among dogs and other animals. The Board may order:

- A. That all dogs or other animals in the locality be:
 - 1. Kept confined within an enclosure, or
 - 2. Kept muzzled and restrained by a leash composed of chain or other indestructible materials.
- B. That all owners or keepers of dogs or other animals take such prophylactic measures as it deems necessary to prevent the spread of rabies.
- C. Other measures as may be necessary to control the spread of rabies in all dogs and other animals.
- D. At no time shall measures to control the spread of rabies in all dogs and other animals be less than those prescribed by the Department. The Department may determine the area of the locality in which and the period of time during which such orders shall be effective.

Section 20. Any officers failing, refusing or neglecting to carry out the provisions of this Ordinance shall be fined not less than \$10.00 nor more than \$50.00 as a penalty which shall be paid into the Animal Control Fund.

Section 21. The Board shall annually notify the Division of Livestock and Poultry Industry of the appointed Administrator and deputies, and their addresses.

Section 22. NECESSITY OF A LICENSE. No person shall engage in business as kennel operator, cattery operator, or operate a pound or animal shelter or any

combination thereof, in this State without a license therefor issued by the Department. Only one license shall be required for any combination of businesses at one location.

Section 23. DOGS RUNNING AT LARGE.

1. It shall be unlawful for the owner of any dog, whether properly tagged and certified by vaccination-registration or not, to permit or allow such dog to run at large on land other than land belonging to said owner regardless of whether the land is rural in character or non-rural urbanized in character.
2. The provisions of paragraph 1 of this section shall not apply to dogs being used in hunting, field trials and dog shows while on public lands set aside for those purposes; while on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises; or while on Federal, State, Municipal or County roads or highways, in a rural area, while going to or coming from a hunting, field trial or dog show site. Nor shall the provisions or prohibitions in Paragraph 1 of this Section apply to blood-hounds or other dogs used for tracking in conjunction with police activities, nor to dogs of the Canine Corps of any police force, the Illinois Highway Patrol, any Federal law enforcement agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes. Nor shall the provisions or prohibitions of paragraph 1 apply to dogs used as guide dogs for the handicapped.

Section 24. DISEASED ANIMALS. Any animal which does not exhibit a valid vaccination-registration tag and which reveals the symptoms of any injury or disease, other than rabies, as determined by the Administrator, may be subjected to disposal as provided in section 10 at the earliest possible time by the Administrator.

Section 25. Any dog owner shall be responsible for any damage his or her dog may do to any person, animal or property.

Section 26. ABANDONMENT OF ANIMALS. No owner of any animal subject to rabies shall abandon such animal in Fulton County.

Section 27. VICIOUS DOGS.

- A. In order to have a dog 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 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 in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized

expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

B. A dog shall not be declared 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 upon the property of the owner or custodian of the dog;

(2) the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

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

C. No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

D. 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 dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator, and 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 court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of the County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

- E. 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 law enforcement authority having jurisdiction in such area. If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

- F. Upon filing 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.
- G. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Ordinance and the Animal Control Act. 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.

Section 28. DANGEROUS DOGS.

- A. Dangerous Dog Determination - After a thorough investigation including sending, within 3 days of the Administrator or Director 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 or Director 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" without clear and convincing 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;

(2) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting

itself, its owner, custodian, or a member of its household, kennel, or offspring.

- C. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- D. If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
 - (1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
 - (2) direct supervision by an adult 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 the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of the Animal Control 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. 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.
- H. Dangerous dogs; appeal. The owner of a dog found to be a dangerous dog pursuant to this Ordinance or pursuant to the Animal Control Act, by an Administrator, may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a

civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

- I. 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 by the court.
- J. At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

Section 29. PENALTIES APPLICABLE TO AN OWNER OF A VICIOUS DOG.

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; 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 4 felony unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this

paragraph shall be in addition to any other criminal or civil sanction provided by law.

Section 30. PENALTIES APPLICABLE FOR OWNER OF DANGEROUS DOGS.

If the owner of a dangerous dog knowingly fails to comply with any order of the court regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

Section 31. ENTRY ONTO PRIVATE PREMISES. 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 therefore, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance.

Section 32. ANIMAL CONTROL FUND LIMITATIONS. The County of Fulton is not obligated to pay to any person or resident of Fulton County from the Animal Control Fund, any amount for the purchase of human rabies anti-serum, the purchase of human vaccine, any costs for the administration of this serum or vaccine or any amount for medical care which may have been provided to human bite victims.

Section 33. OWNERS RIGHT TO PROTECT HIS LIVESTOCK, POULTRY, OR

EQUIDAE. 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.

Section 34. PROCEDURES FOR REIMBURSEMENT OF OWNERS OF LIVESTOCK, POULTRY, OR EQUIDAE KILLED OR INJURED BY DOGS.

Any owner having livestock, poultry, or equidae killed or injured by a dog shall, according to the provisions of this Animal Control Act and this Ordinance, 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 this Ordinance, has established a schedule for damages reflecting the current market value as follows:

- A. For goats killed or injured, \$20.00 per head.
- B. For cattle killed or injured, \$500.00 per head.
- C. For horses or mules killed or injured, \$1,000.00 per head.
- D. For swine killed or injured, \$50.00 per head.
- E. For turkeys killed or injured, \$10.00 per head.
- F. For sheep killed or injured, \$50.00 per head.
- G. For all poultry, other than turkey, killed or injured, \$1.00 per head.

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.

Section 35. FEES.

- A. The registration fees to be charged to the owner of dogs or cats which are spayed or neutered in Fulton County shall be:
 - 1. \$9.00 for one year.
 - 2. \$21.00 for three years.
- B. The registration fees to be charged to the owner of dogs and cats which are not spayed or neutered in Fulton County shall be:

1. \$18.00 for one year.

2. \$42.00 for three years.

Section 36. IMPOUNDMENT AND DISPOSAL BY REQUEST OF OWNER.

Any owner of a dog or cat may request the Administrator, his deputies or Animal Control Wardens, and any peace officers to impound and humanely dispatch or dispose of his dog or cat. The owners shall pay to the Animal Control Fund a \$30.00 fee for this impoundment and humane dispatch or disposal.

Section 37. PROHIBITED NOISES.

It shall be unlawful to harbor or keep any animal in the territory outside the corporate limits of any city, town or village within Fulton County, Illinois, which animal disturbs the peace by frequently repeated barking, howling, crying or other noise making at any time of the day or night.

A violation of this Section of the Fulton County Animal Control Ordinance shall constitute a petty offense. The penalty for a first violation of this Section of the Fulton County Animal Control Ordinance shall subject the owner to a fine of not less \$50.00 nor more than \$250.00. A subsequent violation by the owner shall constitute a petty offense with a fine of not less than \$100.00 and not more than \$250.00.

Section 38. VIOLATION OF PENALTIES. The Administrator is authorized to, and shall have and perform the following duties enumerated in this section, in cases involving violations of this Ordinance:

A. Accept payment of designated fines, penalties and issue receipts

therefore.

B. Maintain records of all violations of the provisions of this Ordinance of which each person has been guilty during the preceding 24 months whether such guilt was established in Court or by payment of a fine.

C. Whenever any person charged with an' offense which is payable at the Animal Control Department, shall fail to appear and pay his fine in the time prescribed, the Animal Control Officer shall cause a complaint to be filed against such person for such violation in accordance with arrest procedures.

D. File copies of the records with the Fulton County Sheriffs Office of all cases involving violations of the provisions of this Ordinance, irrespective of guilt and the disposition of each such case.

Section 39. The violation of, failure to comply with or the committing of any act prohibited in any provision of this Ordinance shall constitute a petty offense unless a penalty has been otherwise specified with this Ordinance. The person so convicted shall be fined not less than fifty dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each day that such unlawful act is committed or continues to be committed shall constitute a separate offense.

Section 40. Any person or persons guilty of aggravating, molesting or annoying any dog or animal, when such dog or animal is restrained upon the premises of its owner, shall be guilty of committing a Class C misdemeanor.

Section 41. AUTHORIZATION FOR FULTON COUNTY SHERIFF TO DIRECT, SUPERVISE, AND DISCIPLINE ANIMAL CONTROL WARDENS.

The Administrator delegates to the Fulton County Sheriff the authority to direct, supervise, and discipline Animal Control Wardens of the County of Fulton.

The Sheriff of Fulton County shall advise the Administrator of all incidents where an Animal Control Warden failed to abide by direction, or supervision of the Fulton County Sheriff. The Fulton County Sheriff shall advise the Administrator of any proposed discipline of an Animal Control Warden.

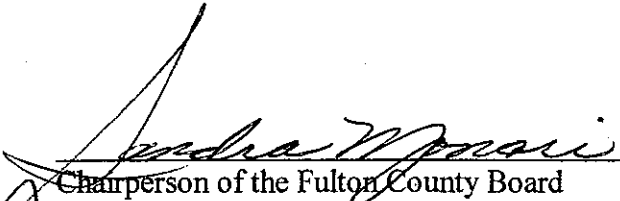
Although, daily direction, supervision, and discipline over Animal Control Wardens has been delegated to the Fulton County Sheriff, such Animal Control Warden shall remain an employee of the County of Fulton, and shall not be deemed to be an employee of the Fulton County Sheriff. An Animal Control Warden may be removed by the Fulton County Board Chair with the consent of the Fulton County Board for cause.

Section 42. CONSTRUCTION OF ORDINANCE. Nothing contained herein shall be construed so as to abrogate or suspend any of the terms or provisions of any other County Ordinance, except as herein specifically provided.

Section 43. SEVERABILITY. The County Board hereby declares that should any section, paragraph, sentence or word of this Ordinance be declared, for any reason to be invalid, it is the intent of the County Board that it would have passed all other portions of this Ordinance independent of the elimination therefrom of any portion as may be declared invalid.

Section 44. The effective date of this Ordinance shall be January 1, 2004. The previous Fulton County Animal Control Ordinance shall remain in effect until January 1, 2004.

ADOPTED this 9th day of December, A.D. 2003


Chairperson of the Fulton County Board

ATTEST:


Ex-Officio Clerk of the Fulton County Board