

Madison County, IL
Code of Ordinances - ANIMALS

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GENERAL PROVISIONS

§ 50.001 SHORT TITLE.

This chapter shall be known and may be cited as the “Animal Control Chapter.”
(1993 Code, § 50.001) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. A veterinarian licensed by the state and appointed to direct the County Animal Control Department and to carry out the provisions of this chapter and state statutes appertaining hereto.

ANIMAL. Any living creature, other than humans, which may be affected by rabies.

ANIMAL CONTROL WARDEN. Any person appointed by the Administrator and approved by the Board to perform duties as assigned by the Administrator to effectuate this chapter.

BUSINESS DAY. Any day including holidays that the animal control facility is open to the public for animal reclaims.

CAT. All members of the species *Felis catus*.

CONFINED. The restriction of an animal at all times by the owner, or his or her agent, to an escape proof building or other enclosure away from other animals and the public.

CONFINED UNDER THE OBSERVATION OF A LICENSED VETERINARIAN. Confined to an escape proof building or other enclosure away from other animals and the public, and observed daily by the Administrator or another licensed veterinarian.

DANGEROUS DOG.

(1) Any individual dog that, anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed or unattended by its owner or custodian, behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal; or

(2) A dog that, without justification, bites a person and does not cause serious physical injury.

DEPARTMENT. The Department of Agriculture of the state.

DEPUTY ADMINISTRATOR. A veterinarian licensed by the state and appointed by the Administrator.

DIRECTOR. The Director of the Department of Agriculture of the state, or his or her duly authorized representative.

DIVISION. The Division of Animal Industries of the State Department of Agriculture.

DOG. All members of the family *Canidae*.

DOMESTICATED ANIMALS. Those animals that are tame and who live in or near the habitations of human or by habit or special training in association with humans.

ENCLOSURE. 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 secure sides, top and bottom and shall be designed to prevent the animal from escaping from the **ENCLOSURE**. If the **ENCLOSURE** is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within an entire residence if it is muzzled at all times.

ESCAPE PROOF BUILDING. A building or kennel of such strength and structure to keep a confined animal away from other animals and the public.

FARM CAT. A domesticated cat that lives on a parcel zoned agricultural under the county zoning ordinance or a comparable classification under a municipal zoning ordinance.

FERAL CAT. A cat that:

- (1) Is born in the wild or is the offspring of an owned or feral cat and is not socialized; or
- (2) Is a formerly owned cat that has been abandoned and is no longer socialized.

FUR-BEARING ANIMALS. Any of the following species: badger, beaver, bobcat, coyote, gray fox, mink, muskrat, opossum, raccoon, red fox, river otter, striped skunk, weasel, woodchuck, wolf or any other wild animals for which the rabies incubation period is unknown.

HAS BEEN BITTEN. Has been seized with the teeth or jaws so that the person or animal has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

HUMANELY DISPATCHED. The painless administration of a lethal dose of an agent which shall cause the death of an animal as prescribed by the Veterinary Medical Association Guidelines for the Euthanasia of Animals. Said method shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

IN HEAT. Showing signs of estrus, a regularly occurring period of sexual excitability in female members of the Canidae and Feline families.

INOCULATION AGAINST RABIES. The injection of an anti-rabies vaccine approved by the Department.

INTACT ANIMAL. An animal that has not been spayed or neutered to render it incapable of reproducing.

LEASH. A cord, rope, strap or chain which shall be of sufficient strength to keep such dog or other animal under control.

LICENSED VETERINARIAN. A veterinarian licensed by the state in which he or she engages in the practice of veterinary medicine.

OFFICIAL HEALTH CERTIFICATE. A legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service of the United States Department of Agriculture, and issued by a licensed veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service or a veterinarian in the employ of the United States Armed Services, which shows that the dog(s) or cat(s) listed thereon meet the health requirements of the state. The **OFFICIAL HEALTH CERTIFICATE** shall contain the name and address of the consignor; the name and address of the consignee; an accurate description or identification including age, sex and breed of the dog(s) involved; and shall also indicate the health status of the dog(s), including the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number and amount of vaccine administered.

OFFICIALLY VACCINATED. The inoculation of a dog or cat with a vaccine as set forth in 510 ILCS 5/8; administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a county rabies vaccination tag has been issued and properly recorded on a certificate as prescribed by the Board.

OWNER. Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog, cat or other domestic animal to remain on any premises occupied by him or her for a period of 14 days or more within a 30-day period. **OWNER** does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

PERSON. Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the state, municipal corporation or political subdivision of the state, or any other business unit.

PHYSICAL INJURY. The impairment of physical condition.

POUND. Any facility approved by the Administrator for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs, cats or other animals. This term may be used interchangeably with **ANIMAL CONTROL FACILITY**.

PROGRAM. The animal control program of the county.

RECOGNIZED LABORATORY. A laboratory operated by the State Department of Agriculture, the State Department of Public Health, any land grant university or other laboratories approved by the Department of Public Health.

REGISTRATION CERTIFICATE. A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this chapter.

SERIOUS PHYSICAL INJURY. A physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or that is corrected by plastic surgery.

STRAY. An animal, usually domesticated, for which there is not an owner or apparent owner.

STRAYING. A dog, cat or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in 1, 2 3, and 4 under (b) in 8 Ill. Adm. Code 30.140.

VICIOUS DOG. 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.

WILD ANIMAL. An animal which still retains its wild nature and whose habitat is generally the woods and which is untamed and undomesticated, including, but not limited to, a wolf, coyote or the offspring of a mating between a wolf or coyote and a dog, including fur-bearing mammals.

(1993 Code, § 50.002) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.003 ANIMAL CONTROL PROGRAM.

The County Board and the Administrator shall create an animal control program pursuant to the Illinois Animal Control Act, 510 ILCS 5/1 et seq.

(1993 Code, § 50.003) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

ADMINISTRATION

§ 50.015 ADMINISTRATOR.

(A) *Appointment.* The County Board Chairperson, with the consent of the County Board, shall appoint as Administrator, a veterinarian licensed by the state. Appointments shall be made as necessary to keep this position filled at all times.

(B) *Appointment of deputies.* The Administrator may appoint as many Deputy Administrators and animal control wardens or agents to aid him or her consistent with the budget authorized by the Board.

(C) *Compensation.* The compensation for the Administrator, Deputy Administrators and animal control wardens or agents shall be fixed by the Board.

(D) *Removal.* The Administrator may be removed from office by the County Board Chairperson, with the consent of the County Board.

(1993 Code, § 50.015) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.016 PERSONNEL AND FACILITIES.

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.

(1993 Code, § 50.016) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.017 FUNDING.

The Board shall be authorized to utilize monies from the county's General Corporate Fund and the Animal Control Fund to carry out the provisions and intent of this chapter.

(1993 Code, § 50.017) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.018 AUTHORIZATION FOR REQUIRING REGISTRATION.

The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and shall impose an individual animal and litter registration fee. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by the Board, including sales, number of litters and ownership of dogs and cats. All microchips shall have an operating frequency of 125 kilohertz. Farm cats and feral cats are exempt from the registration requirements.

(1993 Code, § 50.018) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.019 DUTIES.

(A) *Enforcement of chapter.* The Administrator and the Administrator's deputies and agents and employees of the County Animal Control Department shall enforce and abide by all provisions of this chapter.

(B) *Enforcement of state animal control laws.* The Administrator and the Administrator's deputies and agents or employees of the County Animal Control Department shall enforce and abide by all sections of the State Animal Control Act, 510 ILCS 5/1 et seq., and the State Humane Care for Animals Act, 510 ILCS 70/, including the rules and regulations relating to the same as duly promulgated by the State Department of Agriculture.

(C) *Control and prevention of rabies.* It shall be the duty of the Administrator, through humane education, rabies inoculation, stray control, impoundment, quarantine and any other means deemed necessary in his or her discretion, to control and prevent the spread of rabies in the county and to exercise dog and cat overpopulation control.

(1993 Code, § 50.019) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.020 POLICE POWER; COOPERATION OF POLICE DEPARTMENT.

(A) *Police power.* The Administrator, Deputy Administrators and animal control wardens are, for the purpose of enforcing this chapter, clothed with power of police officers in the county and with the county are peace officers in the enforcement of this chapter, and of the similar provisions of the state statutes relating to animals and rabies, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or warrants for violations of this chapter and to execute and serve all warrants and processes issued by any Circuit Court; however, such officers are prohibited from carrying concealed weapons.

(B) *Cooperation of Police Department.* The Sheriff and his or her deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of this chapter and the state statutes.

(C) *Enforcement.* The Administrator, Deputy Administrators and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act, 510 ILCS 70/1 et seq., and shall have the ability to impound animals and apply for security posting for violation of that Act.

(1993 Code, § 50.020) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.021 CAUSES FOR REMOVAL OF ADMINISTRATOR FROM OFFICE.

(A) *Notification.* Upon cause, the Administrator shall be informed by the Board as to the reason, or, reasons which would constitute a basis for removing the Administrator.

(B) *Removal by Board Chairperson.* The Administrator may be removed by the County Board Chairperson with the advice and consent of the County Board after being informed as to the causes which would constitute a basis for his or her removal.

(C) *Appointment of replacement.* Upon the expiration of his or her term as Administrator, the County Board Chairperson may appoint another person as Administrator or may reappoint the current Administrator for a new term, according to law.

(1993 Code, § 50.021) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.022 INSPECTIONS; ENTRY.

For the purpose of carrying out the provisions of this chapter and the State Humane Care for Animals Act, 510 ILCS 70/, the Administrator, or his or her authorized representatives, agents or deputies, 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 a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this chapter and of the State Animal Control Act, 510 ILCS 5/1 et seq.

(1993 Code, § 50.022) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.023 FEES FOR REGISTRATION OF DOGS AND CATS.

(A) The following annual fees are imposed for the registration of dogs and cats:

(1) A \$10 registration fee for each dog or cat that is spayed, neutered or under six months of age; a \$25 registration fee is required for a three year tag; and

(2) A \$30 registration fee for each intact dog or cat over six months of age; a \$65 fee is required for a three year tag.

(B) A late fee of \$10 shall be paid in addition to the above registration fee for all fees paid after the due date for those fees.

(C) Farm cats and feral cats are exempt from the registration fees provided in this section.

(D) Ten dollars of the registration fee for each intact dog or cat as provided in division (A)(2) above shall be remitted to the Illinois Pet Population Control Fund. The Board may, however, by resolution establish a county animal population control fund as authorized by the Illinois Animal Control Act, 510 ILCS 5/1 et seq., and redirect said \$10 to said county fund to the extent permitted by law.

(1993 Code, § 50.023) (Ord. 93-11, passed 12-15-1993; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006; Ord. 2008-12, passed 9-17-2008; Ord. 21, passed 12-15-2010)

§ 50.024 FEES FOR REGISTRATION OF LITTERS.

(A) Each litter of dogs or cats born in the county must be registered with the Administrator by the owner of the mother of the litter within 60 days of the birth of the litter. Each litter of dogs or cats sold, adopted, transferred, given away or exchanged, in whole or in part, within the county must be registered with the Administrator within 30 days of the event giving rise to the registration obligation.

(B) Any pet shop or other retail outlet taking possession of a litter from any person for sale, transfer, give away or adoption must submit the name, address and telephone number of the person or entity who transferred the litter, along with a physical description of the litter, to the Administrator within seven days of receiving the animals.

(C) A litter fee of \$25 per litter is payable upon registration. If the owner or caretaker of the mother of the litter provides proof that the mother dog or cat has been spayed within 100 days of the birth of the litter, the \$25 litter registration fee shall be refunded.

(D) It shall be a violation of this code for any owner of a mother dog or cat who has given birth to a litter to fail to register said litter with the county in compliance with this section.

(Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

IMPOUNDMENT

§ 50.040 IMPOUNDMENT.

(A) Any dog found running at large, contrary to the provisions of this chapter, shall be apprehended and impounded by the Animal Control Administrator. For this purpose, the Administrator may utilize any existing or available public pounds or animal control facility. The dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the State Pet Population Control Fund and \$5 of which shall be retained by the county.

(B) Any dog running at large within the county on any public way or public place, or upon the private premises of any person other than those of the keeper of the dog, shall be considered a stray and shall be considered to have been found running at large contrary to the provisions of this chapter, whenever:

(1) The dog is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods; unless:

(a) The dog is upon private premises, in the presence and company and under supervision of its owner, and an adult individual with an ownership or possessory interest in the premises consents to the dog's presence on his or her premises; or

(b) The dog is upon public premises that specifically allow dogs to be present off-leash, and the dog is in the presence and company and under supervision of its owner.

(2) The dog does not bear a current rabies inoculation tag as required by this chapter.

(C) Any cat six months of age or older that has not been spayed or neutered that is found running at large may be impounded.

(D) When a dog or cat is apprehended and impounded by the Animal Control Administrator, or his or her deputies, wardens or agents, the animal shall be scanned by the Administrator for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible.

(E) The owner shall be entitled to resume possession of any impounded dog or cat upon compliance with the provisions of this chapter, if not already in compliance therewith, and the payment of boarding fees and other charges as determined by the Administrator.

(1993 Code, § 50.040) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.041 REGISTRATION OF IMPOUNDED DOGS AND CATS.

The County Animal Control Department, upon receiving any dog or cat, shall immediately make a complete registry thereof. Such registry should include the sex, whether or not the animal has been sterilized if discernible, breed and color of the animal; the tag number, if available; the microchip number; a notation as to whether the animal is registered; and the owner's name and last known address.

(1993 Code, § 50.041) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.042 NOTICE OF IMPOUNDMENT.

(A) When a dog or cat is apprehended and impounded by the Administrator, the animal shall 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 business days to the owner, if known, prior to disposal of the animal. Where the owner of an impounded dog is unknown, the dog may be humanely dispatched or offered for humane dispatch after five days. Where the owner of an impounded cat is unknown, the cat may be humanely dispatched or offered for humane dispatch after three business days. If the cat is determined to be a feral cat, it may be humanely dispatched after three days.

(B) Notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails the notice shall be evidence of the receipt of the notice by the owner of the animal.

(1993 Code, § 50.042) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.043 REDEMPTION OF IMPOUNDED ANIMAL; CONDITIONS FOR REDEMPTION.

(A) (1) In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

(a) Presenting proof of current rabies inoculation, and registration, if applicable;

(b) Paying for rabies inoculation of the dog or cat and registration, if applicable;

(c) Paying the pound for the board of the dog or cat for the period it was impounded;

(d) Paying into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense;

(e) Paying a \$25 public safety fine to be deposited into the Pet Population Control Fund: if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days of redemption and provides proof of same to the Administrator, the fine shall be refunded; and

(f) Paying for microchipping and registration if not already done.

(2) The payments required for redemption under this section shall be in addition to any other penalties invoked under this chapter and the State Public Health and Safety Animal Population Control Act, 510 ILCS 92/1 et seq. The County Animal Control Department shall assist and share information with the Director of the State Department of Public Health in the collection of public safety fines.

(B) If an intact dog or cat has been impounded by the Administrator for a second or subsequent time, the animal may only be redeemed if the owner or other individual desiring to redeem the animal makes arrangements approved by the Administrator to spay or neuter the animal within 30 days of redemption. The redeeming individual must pay a deposit of \$150 to the Administrator as a guarantee that he or she will comply with this sterilization requirement. If the redeeming individual submits satisfactory proof of sterilization to the Administrator at or before the end of the 30-day period, the deposit shall be refunded. If the redeeming individual fails to submit such proof, the \$150 deposit shall be forfeited to the county, and if the animal is a dog, the Administrator shall impound it.

(C) This shall be in addition to any other penalties invoked under state law or statutes and this chapter.

(1993 Code, § 50.043) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.044 ANIMALS NOT REDEEMED.

(A) When not redeemed by the owner, agent or caretaker, a dog or cat that has been impounded must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the County Animal Control Department shall be made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act, 510 ILCS 72/1 et seq., or offered for adoption.

(B) When a dog or cat brought in by a municipality that must be held but is not redeemed by the owner, then that municipality shall be assessed a fee of \$10 per dog and \$5 per cat.

(1993 Code, § 50.044) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006; Ord. 21, passed 12-15-2010)

§ 50.045 RELEASE WITHOUT SPAYING OR NEUTERING PROHIBITED.

(A) An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been rendered incapable of reproduction and microchipped, 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 service performed, including microchipping, within a specific period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure by the Administrator, or the agents thereof, and impoundment of the animal and any offspring, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on an annual basis.

(B) No animal shelter shall release dogs or cats to an individual representing a rescue group unless the group has been licensed or has a foster care permit issued by the State Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Administrator will report any animal shelters violating this section to the State Department of Agriculture for investigation.

(1993 Code, § 50.045) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.046 HUMANE SOCIETIES EXEMPT.

This chapter shall not prevent humane societies from engaging in activities set forth by their charters; provided they are not inconsistent with provisions of this chapter and other existing state statutes.

(1993 Code, § 50.046) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.047 PAYMENT FOR RABIES INOCULATION.

Any person purchasing or gaining ownership of an impounded dog, with or without charge or donation, must pay for the rabies inoculation of the dog and registration if applicable.

(1993 Code, § 50.047) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.048 NOTICE OF PICKING UP OR CONFINING STRAYS TO POUND.

(A) In order to prevent the destruction of lost pets and to provide owners with a central facility through which to locate stray pets, the public pound shall be notified within 24 hours by any private agency, organization, nuisance wildlife control operator or individual picking up or confining a stray animal.

(B) A private organization, nuisance wildlife control operator or individual confining a stray animal may turn the animal over to the Administrator or hold the animal for claiming by its owners, but no private individual, nuisance wildlife control operator or organization shall dispose of stray animals by killing or abandonment.

(C) This section shall not prevent farmers from exercising any right they may have to destroy animals attacking their livestock or poultry.

(D) Any nuisance wildlife control operator conducting business in this county must follow the provisions set forth in the State Humane Care for Animals Act, 510 ILCS 70/, and the State Animal Control Act, 510 ILCS 5/1 et seq.

(1993 Code, § 50.048) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.049 DOGS AND CATS IN HEAT.

The owner of any female dog or cat which is in heat shall not keep, harbor or otherwise maintain such dog or cat in the unincorporated parts of the county unless the dog or cat is confined in a secure enclosure during the entire period the dog or cat is in heat, except that it shall be lawful for a dog or cat in heat to be walked if the dog or cat remains on a leash and is not permitted to run at large. Any dog or cat in heat which is not so confined will be declared to be a public nuisance and may be apprehended by the County Animal Health Department and the Administrator or his or her deputies or agents.

(1993 Code, § 50.049) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

REPORTING AND CONFINEMENT AFTER BITING

§ 50.060 CONFINEMENT OF ANIMAL AFTER REPORTED BITE.

When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator or his or her authorized representative shall have that dog or other animal confined under observation of a licensed veterinarian for a period of ten days. The Department may, by regulation, permit the confinement to be reduced to a period of less than ten days.

(1993 Code, § 50.060) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.061 VETERINARIAN TO EXAMINE AND REPORT TO ADMINISTRATOR.

(A) The veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of the dog or other animal, on appropriate forms approved by the Department.

(B) The Administrator shall notify the attending physician or responsible health agency.

(C) At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him or her of the final disposition of the dog or other animal on appropriate forms approved by the Department.

(1993 Code, § 50.061) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.062 CONFINEMENT IN OWNER'S HOUSE.

(A) When evidence is presented that the dog or other 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 ten days, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory.

(B) The Department, by regulation, permit such confinement to be reduced to a period of less than ten days.

(1993 Code, § 50.062) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.063 POST-CONFINEMENT EXAMINATION OF DOG.

At the end of the confinement period, the dog or other animal shall be examined by the Administrator, or another licensed veterinarian.

(1993 Code, § 50.063) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.064 NONCOMPLIANCE; VIOLATIONS.

(A) *Mandatory notification.* It is a violation of this subchapter, as well as state law, for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly.

(B) *Unlawful acts.* It is unlawful for the owner of such dog or other animal to euthanize, sell, give away or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator, or his or her authorized representative.

(C) *Mandatory compliance with instructions.* It is a violation of this subchapter and state law for the owner of the dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his or her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his or her authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of the dog or other animal was notified of his or her responsibilities.

(D) *Incurred expenses.* Any expense incurred in the handling of any dog or other animal under this subchapter shall be borne by the owner. The owner of a biting animal must also remit to the State Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine within 30 days after notice.

(1993 Code, § 50.064) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.065 CONFINEMENT PERIOD FOR ANIMAL WHICH HAS BITTEN A PERSON.

(A) This subchapter provides that, when approved by the Administrator or his or her authorized representative, the confinement period for an animal which has bitten a person may be reduced to less than ten days following a bite when:

- (1) It is deemed advisable for humane reasons, i.e., injury or disease conditions;

(2) The animal inflicting the bite had been maintained in a controlled environment in a research institution for a period of at least six months, or for the life of the animal;

(3) Rabies treatments may endanger the life of the person bitten;

(4) Written permission is obtained from the owner of the biting animal; or

(5) The animal is deemed to be a stray by the Administrator.

(B) When the animal is confined for a period of less than ten days, it shall be euthanized at the end of the confinement period and the brain submitted direct to a recognized laboratory for rabies examination. It shall be the responsibility of the person requesting the reduced confinement period to assure that the brain is transported without delay, to a recognized laboratory so it will arrive in a satisfactory condition for rabies examination.

(C) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency, and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(1993 Code, § 50.065) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.066 BITE REPORTING AND INVESTIGATION.

(A) It shall be a violation of this subchapter for any medical or law enforcement personnel, or any other person knowing that a person has been bitten by an animal or having reason to believe that the wet saliva has come into direct contact with fresh, open or raw preexistent abrasions or mucous membranes, to refuse or fail to notify the County Animal Control Department immediately. For the purposes of this section, *IMMEDIATELY* means by telephone, in person or by other than use of the mail.

(B) Upon receiving a bite report, the County Animal Control Department shall record all pertinent information on a standardized form. Records should show that after a bite report is received, it has been investigated and, if possible, the biting animal confined. Investigation may include contact with the person bitten, the parent or guardian of a minor, the attending physician, the veterinarian and any other appropriate source in order to coordinate information, refer patients and recommend treatment.

(C) The County Animal Control Department will, upon request, take appropriate measures to assist municipalities in the apprehension of biting animals.

(1993 Code, § 50.066) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.067 STERILIZATION OF BITING ANIMALS.

When an animal has been impounded by the Administrator due to a bite report, and the animal has been documented to have bitten a human on at least two separate occasions, the animal may not be released unless the animal has been sterilized, or the owner makes arrangements approved by the Administrator to sterilize the animal.

(Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

VICIOUS AND DANGEROUS DOGS

§ 50.080 ENFORCEMENT AND AUTHORIZATION.

(A) The County Board, the Administrator and their agents, employees and assigns shall comply with and enforce all provisions of the State Animal Control Act (510 ILCS 5/1 et seq.), and the applicable regulations duly promulgated by the State Department of Agriculture as pertaining to vicious or dangerous dogs or other animals.

(B) The State's Attorney of the county is specifically authorized by the County Board to file a complaint to enjoin all persons from maintaining or protecting dangerous dogs or animals and the State's Attorney is specifically directed to abate the same and to enjoin the owner of a dangerous dog or other animal to prevent the animal from leaving the premises of its owner pursuant to law and the aforesaid statute.

(1993 Code, § 50.080) (Ord. 92-10, passed 11-18-1992; Ord. 2000-02, passed 2-16-2000; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.081 DANGEROUS DOGS.

(A) The Administrator shall follow all statutory procedures set forth in 510 ILCS 5/15.1 in determining whether to declare a dog to be a dangerous dog.

(B) It is unlawful for any person to maintain a public nuisance by permitting any dog or other animal declared dangerous to leave the premises of its owner when not under control by a recognized control method as provided in this chapter.

(C) (1) If deemed dangerous, the Administrator shall order:

(a) The dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund; and

(b) The dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already done.

(2) The Administrator is also specifically authorized to order the owner of any dog or other animal declared dangerous to comply with one or more of the following as deemed appropriate under the circumstances for the protection of the public:

(a) Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist or other recognized expert in the field and completion of training or other such treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this division (C)(2); and

(b) Direct supervision by a competent adult 18 years of age or older and physically capable of controlling the animal whenever it is on public premises.

(D) The County Animal Control Department has the right to impound a dangerous dog if the owner fails to comply with any requirements of the State Animal Control Act, 510 ILCS 5/1 et seq., or the county animal control ordinance.

(E) A municipality shall be assessed a fee of \$100 for an emergency call out that is requested by the municipality and made by an Animal Control Officer. This fee shall not be assessed for bite cases when the municipality transports an unvaccinated animal to the animal control facility.

(1993 Code, § 50.081) (Ord. 92-10, passed 11-18-1992; Ord. 2000-02, passed 2-16-2000; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006; Ord. 21, passed 12-15-2010) Penalty, see § [50.999](#)

§ 50.082 CONTROL METHODS FOR DANGEROUS DOGS.

The following shall be accepted as recognized control methods for dangerous dogs:

(A) Placing an animal within an enclosed automobile, truck or other vehicle not being used as public conveyance of humans, in a manner not inconsistent with the Humane Care for Animals Act (510 ILCS 70/1 et seq.);

(B) Shipping an animal on a public conveyance that is properly confined in a shipping container conspicuously labeled “DANGEROUS ANIMAL” and constructed of materials in such a manner to prevent the animal from biting other animals or the public;

(C) Properly muzzling an animal and placing it on a leash of not more than six feet in length and of sufficient strength to keep the animal under control, and held by a competent person capable of controlling the animal; or

(D) Confining the animal on the premises of the owner in such a manner as to prevent its coming into contact with the general public or any domesticated animal owned by another member of the general public.

(1993 Code, § 50.082) (Ord. 92-10, passed 11-18-1992; Ord. 2000-02, passed 2-16-2000; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.083 VICIOUS DOGS.

(A) A vicious dog includes any such animal so declared by the Animal Control Administrator or a court of competent jurisdiction, as determined by the law in effect at the time of such declaration.

(B) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times 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 three feet in length, and the dog is under the direct control of the owner or keeper of the dog, provided that person is a competent adult 18 years of age or older who is physically capable of controlling the dog.

(C) Vicious dog determinations.

(1) The Administrator and the State's Attorney shall follow the procedures set forth in 510 ILCS 5/15(a) to investigate and, if appropriate, seek a judicial determination that a given dog should be declared to be vicious.

(2) The Administrator shall determine where an animal sought to be declared vicious shall be confined during the pendency of the case. The owner of the dog sought to be declared shall be responsible for any costs associated with the confinement of the animal during the pendency of the case.

(3) If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, and the dog shall be microchipped and spayed or neutered within ten days of the finding at the expense of its owner, if any such procedure has not already been previously done, and the dog is subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator inspects and approves the enclosure where the animal is to be kept. If an owner fails to comply with these requirements, the Administrator shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the County Animal Control Department. The court has the discretion to order that a vicious dog be euthanized.

(D) No owner or keeper of a vicious dog shall sell or give away the dog without approval from the court or the Administrator. Whenever the owner or keeper of a vicious dog within the county relocates outside the county, he or she shall notify the Administrator. Whenever the owner or keeper of a dog declared vicious in another county of the state, or comparably designated under the laws of another state, relocates to the county, he or she shall notify the Administrator. When the owner of a vicious dog relocates to or within the county, the Administrator must inspect and approve the enclosure in which the vicious dog is to be kept.

(E) Any dog which has been found to be a vicious dog and which is not confined to an enclosure is subject to impoundment by the Administrator, an animal control warden or the law enforcement authority having jurisdiction in the area. If the owner of the dog has not appealed the impoundment order to the Circuit Court within 15 working days, the dog may be euthanized. Upon filing of a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the Administrator in writing.

(1993 Code, § 50.083) (Ord. 2000-02, passed 2-16-2000; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.084 MICROCHIP IDENTIFICATION OF DANGEROUS AND VICIOUS DOGS.

(A) Any dog, or other animal that has been declared dangerous or vicious by the Administrator shall have a microchip approved by the Administrator implanted. The microchip number shall be registered with the Administrator. The microchip shall be implanted within 30 days of the animal's designation as dangerous or vicious.

(B) It shall be unlawful for the owner of any dog or other animal declared to be dangerous or vicious to fail to comply with division (A) above.

(1993 Code, § 50.084) (Ord. 2000-02, passed 2-16-2000; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.085 APPEALS.

The owner of a dog that has been declared by the Administrator to be dangerous may appeal said designation within the statutory time limit to the Circuit Court pursuant to 510 ILCS 5/15.3.

(1993 Code, § 50.085) (Ord. 2000-02, passed 2-16-2000; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.086 EXEMPTIONS.

(A) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police owned dogs are exempt from the restrictions contained in §§ [50.081](#), [50.082](#) and [50.083](#), provided the following provisions are met:

(1) The attack or injury occurred while the dog was performing duties as expected; and

(2) The dog was and continues to be inoculated against rabies in accordance with the State Animal Control Act, 510 ILCS 5/1 et seq., and county ordinances requiring same.

(B) The owner of any dog exempted under division (A) above shall provide the Administrator with a description of the dog, its breed, its name and any other identifying characteristics requested by the Administrator, and shall further notify the Administrator of any change of address.

(C) The owner of any sentry or guard dog exempted under division (A) above shall keep the Administrator advised of the location where the dog will be stationed.

(D) Any dog exempted under division (A) above, when not under the direct control by leash and muzzle or other recognized control methods, shall be confined in such a manner as to prevent it from attacking or injuring any person who is peacefully conducting himself or herself where he or she lawfully may be.

(1993 Code, § 50.086) (Ord. 2000-02, passed 2-16-2000; Ord. 2006-07, passed 6-21-2006)

LIABILITY

§ 50.100 LIABILITY OF OWNER OF DOG ATTACKING OR INJURING PERSON.

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

(1993 Code, § 50.100) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.101 KILLING OF DOG SEEN TO INJURE, WOUND OR KILL FARM ANIMALS.

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 the dog.

(1993 Code, § 50.101) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.102 LIABILITY OF OWNER OF DOG CAUSING DAMAGE TO DOMESTIC ANIMALS.

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 or swine belonging to that person.

(1993 Code, § 50.102) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.103 EXEMPTION FROM LIABILITY.

The County Animal Health Department, its agents, representatives or other persons authorized to enforce the provisions of this chapter, shall not be held liable for the injury, death or diseased condition of any dog, cat or other animal as a consequence of the enforcement of the provisions of this chapter.

(1993 Code, § 50.103) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

CLAIMS AND REIMBURSEMENT

§ 50.115 REIMBURSEMENT PROCEDURE FOR OWNERS OF FARM ANIMALS KILLED OR INJURED BY DOG.

(A) Any owner having livestock, poultry or equidae killed or injured by a dog shall, according to the provisions of the State Animal Control Act, 510 ILCS 5/1 et seq., and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the County 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 the injury or killing occurs, and made affidavit stating the number of animals or poultry killed or injured, the amount of damages and the owner of the dog causing the killing or injury, if known.

(B) The damages referred to in this section shall be substantiated by the Administrator through prompt investigation and by not less than two 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 damages proven and the number of animals or poultry killed or injured.

(C) 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.

(1993 Code, § 50.115) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.116 REIMBURSEMENT AMOUNTS.

(A) 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. Unless the County Board, by ordinance, establishes a schedule for damages allowed for grade animals or poultry shall not exceed the following amounts:

- (1) For goats killed or injured, \$30 per head;

- (2) For cattle killed or injured, \$300 per head;
- (3) For horses or mules killed or injured, \$200 per head;
- (4) For swine killed or injured, \$50 per head;
- (5) For turkeys killed or injured, \$5 per head;
- (6) For sheep killed or injured, \$30 per head; and
- (7) For all poultry other than turkeys, \$1 per head.

(B) 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 to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his or her pro rata share of the money available.

(1993 Code, § 50.116) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.117 CLAIMS FOR LOSS OF ANIMALS KILLED OR INJURED BY DOGS.

(A) An owner making claim for loss of animals or poultry killed or injured by dogs shall report the loss to the Administrator within 24 hours after the loss occurs, shall have not less than two witnesses who are freeholders of the county substantiate the loss within 48 hours after the loss occurs, and shall appear before a member of the County Board within seven days after the loss to make affidavit.

(B) The Administrator or the person designated by him or her shall make an investigation, shall observe the animals in question, and shall visit the site where the animals were killed or injured. If the investigator is not a veterinarian and cannot confirm the claim to be valid, then the Administrator shall examine the animals or poultry and make written report to be filed with the County Treasurer as to the cause of death. If the report does not substantiate loss caused by dogs, the claim shall be denied by the Board.

(C) Applications used in making claims for damages for animals or poultry killed or injured by dogs shall be on forms as prescribed by the Department. Such forms shall include the amount of claim, the amount paid for each claim, the number and kind of animals or poultry killed or injured by dogs, and whether the animals were grade, or crossbred, hybrid, inbred and purebred animals registered with an appropriate breed association or organization. In the case of animals registered with an appropriate breed association or organization, the owner shall surrender the certificate of registry to the county. A copy of the certificate shall be maintained in the county records and the original certificate of registry shall be immediately forwarded to the appropriate breed association or organization for cancellation. Claim forms shall be available from the Administrator, County Treasurer, Board members and other county officials designated by the Board.

(D) All costs for the two witnesses to substantiate claims for loss of animals or poultry shall be paid by the owner of the animals or poultry. The Administrator or veterinarian requested by the Administrator to examine animals or poultry for which a claim has been made shall be paid from the Animal Control Fund if the loss is determined to be caused by dogs. If the veterinarian

determines that the loss is due to some other cause, the cost of his or her services shall be borne by the claimant.

(E) The County Treasurer shall annually provide the Department an itemized list of claims showing the number and kind of animals or poultry killed or injured by dogs, whether the animals were grade, crossbred, hybrid, inbred and purebred animals registered with an appropriate breed association or organization, the amount of claim and the amount paid for each claim. This report shall be submitted not later than April 1 of each year.

(F) For the purpose of this chapter, **POULTRY** means chickens, ducks and geese, and shall not include domestic rabbits, guinea fowl, peafowl, pigeons, pheasants, quail and waterfowl covered by the state or federal game codes. Also, for the purpose of this chapter, animals other than goats, cattle, horses, mules, swine, sheep and poultry as defined in this section, even though kept in captivity, are not eligible for payment under this subchapter.

(1993 Code, § 50.117) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.118 PAYMENT TO OWNER NOT A BAR TO ACTION FOR DAMAGES.

The payment to any owner of livestock, poultry or equidae of monies out of the Animal Control Fund for damages resulting from loss or injury to any of these animals, shall not be a bar to action by the owner against the owner of the dog committing such injury or causing the loss for the recovery of damages therefor. The Court or jury, before which the 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 the action by the County Treasurer, and in case the plaintiff in the 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 the damages from the County Treasurer, and the residue of the recovery, if any there be, shall be entered in the name of the plaintiff in the action to his or her own use. If the amount of the recovery in the action shall not equal the amount previously paid the plaintiff on account of 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 the 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 the action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

(1993 Code, § 50.118) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

RABIES VACCINATIONS AND RABIES

§ 50.130 GENERAL GOVERNMENT POWERS IN PREVENTION OF SPREAD OF RABIES.

(A) 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 State Department of Agriculture and the County Animal Control Department shall act to prevent its spread among dogs and other animals. The Department of Agriculture may order:

- (1) That all dogs or other animals in the locality be:

- (a) Kept confined within an enclosure; or
- (b) Kept muzzled and restrained by leash.

(2) That all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies. The Administrator and the County Animal Control Department shall assist in the implementation and enforcement of the aforesaid orders; and

(3) Other measures as may be necessary to control the spread of rabies.

(B) The County Animal Control Department or the Administrator may also determine the area of the locality in which, and the period of time during which, such orders shall be effective.

(1993 Code, § 50.130) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.131 INOCULATION AGAINST RABIES REQUIRED ANNUALLY; TAGS TO BE ISSUED.

(A) Every owner of a dog or cat four or more months of age shall cause the dog or cat to be inoculated against rabies by a licensed veterinarian each year, or remain current from a previous inoculation. New residents of the county owning or keeping a dog or cat four or more months of age shall register the animal with the Administrator within 30 days after establishing residence in the county. Evidence of the rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board, and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. 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.

(B) If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for registration and any other applicable fees. In the event the animal bites a person, the animal will be subject to quarantine under veterinary supervision as an unvaccinated animal.

(1993 Code, § 50.131) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.132 SALE AND DISTRIBUTION OF VACCINE.

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 Department.

(1993 Code, § 50.132) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.133 VACCINATION TAGS PROVIDED BY COUNTY; RESPONSIBILITY FOR EACH TAG ISSUED.

(A) *Rabies vaccination tags.* Rabies vaccination tags for dogs shall be furnished by the county. The Administrator or other county official designated by the Board shall record the name

and address of each person to whom rabies vaccination tags are issued. The person receiving the tags shall be held accountable for each tag, and shall return all unused tags upon their expiration. If that person fails to account for each tag, or refuses to return unused tags, the county will assess a \$5 charge for each tag and may withhold issuance of additional tags to that person.

(B) *Veterinarians.* Veterinarians who inoculate a dog or cat shall procure from the county animal control in the county where their office is located 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 microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee, set forth in § [50.023](#), for each dog inoculated against rabies.

(C) *Procurement of serial number tags.* In accordance with 510 ILCS 5/8 and effective January 1, 2012, veterinarians shall procure from the county animal control office serial number tags, one to be issued with each inoculation certificate. This procurement may be made following one of the following options.

(1) *Procurement in advance.* Veterinarians may pre-purchase tags. Veterinarians are allowed to return up to 100 unused tags for credit at the end of the year.

(2) *Estimated amount of tags.* An estimated amount of rabies tags are provided upfront and payments required each month. This may be done under either of the following arrangements:

(a) Veterinarians collect the tag fee and remit to the Animal Control Department; or

(b) Direct billing. Veterinarians may be billed on a monthly basis for the total costs of tags issued during the previous month.

(D) *Tag to be attached.* The rabies vaccination tag shall be attached to a collar or harness and worn at all times by the dog for which the certificate and tag have been issued, except when such dog is confined.

(1993 Code, § 50.133) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006; Ord. 21, passed 12-15-2010)

§ 50.134 VACCINATION TAGS HONORED IN ALL COUNTIES.

(A) A rabies vaccination tag and certificate shall be honored until expiration when ownership of a dog is transferred into the county while the dog is in transit, or if the owner has established residence in another county.

(B) Dogs inoculated against rabies prior to entry into the state shall be recognized as officially vaccinated if the Administrator is presented evidence that such inoculation was administered by a licensed veterinarian with a vaccine licensed in 8 Ill. Adm. Code 30.90. The evidence shall include the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number and amount of vaccine administered.

(1993 Code, § 50.134) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.135 RECOGNIZED IMMUNITY PERIOD.

The provisions of the State Animal Control Act, 510 ILCS 5/1 et seq., as to the recognized immunity period of animal rabies vaccines, as well as the sections concerning rabid animal procedures for revaccination, confinement or destruction shall be the same and are hereby declared to be made part of this chapter by reference and the Administrator shall enforce the statute, as well as the rules and regulations of the State Department of Agriculture appertaining thereto.

(1993 Code, § 50.135) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.136 DOGS EXHIBITING SIGNS OF RABIES.

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

(1993 Code, § 50.136) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.137 UNVACCINATED IMPOUNDED DOGS.

Pursuant to 510 ILCS 5/10(b), an owner redeeming an unvaccinated impounded dog four or more months of age, or any person taking ownership of such a dog as provided under 510 ILCS 5/11, shall cause that dog to be officially vaccinated against rabies within five days after the dog is removed from the pound.

(1993 Code, § 50.137) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.138 BITING ANIMAL CONSIDERED OFFICIALLY VACCINATED.

A biting animal shall, for confinement purposes as set forth in 510 ILCS 5/13 and this chapter, be considered officially vaccinated against rabies if:

(A) The initial rabies vaccination was completed at least 30 days prior to the biting incident; or

(B) The biting animal shall have been previously immunized against rabies and the biting incident occurred within the recognized immunization period for the vaccine used.

(1993 Code, § 50.138) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.139 BRAINS OF SUSPECT ANIMALS TO BE SUBMITTED FOR EXAMINATION.

(A) The brains of all dogs or other animals which are suspected of having rabies or the brains from animals which have bitten a person or other animal and die during the period of observation shall be promptly and properly submitted to a recognized laboratory for rabies examination.

(B) (1) It shall be the responsibility of the person who has the biting animal confined under his or her observation to see that the brain is properly submitted to the laboratory without delay.

(2) There is no observation period for wild animals so their brains shall be submitted immediately for rabies examination.

(1993 Code, § 50.139) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.140 BITING ANIMAL NOT INOCULATED AGAINST RABIES.

If an owner of a dog four or more months of age cannot furnish evidence that the dog is currently inoculated against rabies and the dog has bitten any person, this shall constitute prima facie evidence that the owner is in violation of this chapter.

(1993 Code, § 50.140) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.141 WILD ANIMALS.

(A) (1) The efficacy of rabies vaccine for fur-bearing mammals and wild animals has not been established. Therefore, there is no observation period with regard to these animals.

(2) When a fur-bearing mammal or wild animal bites a person, dog, cat or other animal, it should be immediately and humanely dispatched and its brain shall be submitted to the Administrator, his or her agents or a recognized laboratory for rabies examination.

(B) There is a \$6 fee to euthanize and dispose of each wild animal.

(1993 Code, § 50.141) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006; Ord. 2010-09, passed 5-19-2010)

DISPOSAL/DESTRUCTION FOR HUMANE REASONS

§ 50.160 DESTRUCTION OF ANIMALS FOR HUMANE REASONS.

(A) When, in the judgment of the Administrator, his or her authorized representative, it is determined:

(1) That an animal, at the scene of an accident, is obviously injured beyond medical help; or

(2) That an animal presented to the county animal control shelter is:

(a) Obviously injured beyond medical help;

(b) Carries an infectious disease which would threaten the lives of other animals housed therein; or

(c) Is in a state of cachexia from obvious incurable malignancy; such animal may immediately be humanely dispatched without regard to any time limitations otherwise established herein.

(B) A report should be made by the Administrator after any such action. A copy of the report should be kept on file for a reasonable period of time thereafter.

(1993 Code, § 50.160) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.161 DISPOSAL OF UNWANTED ANIMALS.

(A) Any owner may relinquish his or her animal to the rabies control pound for humane dispatch or the granting of ownership to another by a recognized humane society. The Board may establish a fee for such disposal.

(B) Municipalities shall pay a \$5 per dog fee and \$3 per cat fee for euthanization and disposal when the dog or cat is brought in for euthanization/disposal.

(1993 Code, § 50.161) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006; Ord. 21, passed 12-15-2010)

CRUELTY TO ANIMALS

§ 50.175 ANIMAL TREATMENT.

(A) No person shall cruelly treat, inhumanely kill or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed, any animal by beating, torturing, mutilating, starving or overworking either his or her own dog, cat or other animal, or an animal belonging to another person.

(B) No person shall unnecessarily fail to provide any animal in his or her charge, or custody as owner or otherwise, with:

(1) Sufficient quantity of reasonable good quality, wholesome food and water;

(2) Shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary constituents of its own body and adequate shelter that minimizes the potential for overheating;

(3) Veterinary care when reasonably needed to prevent suffering; and

(4) Humane care and treatment.

(C) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal. No person may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure. The County Board, the Administrator and their agents, employees and assigns shall comply with and enforce all provisions of the State Humane Care for Animals Act (510 ILCS 70/1 et seq.).

(D) The State's Attorney of the county is specifically authorized by the County Board to file a complaint to enjoin all persons from inhumanely or cruelly treating animals and is specifically directed to abate the same and to enjoin the owner from continuing to perpetrate such treatment by the owner, pursuant to law and the aforesaid statute.

(1993 Code, § 50.170) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.176 ANIMAL FIGHTING.

(A) No person may own, operate, manage, maintain, charge admission to or be present at any place used for the purpose of fighting or attempting to fight any bull, dog, cock or other animal.

(B) Upon receiving a complaint of suspected violation of these provisions, the Administrator or his or her agents and deputies 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 State's Attorney and law enforcement officials shall provide assistance as may be required in the conduct of investigations.

(1993 Code, § 50.171) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

§ 50.177 NONCOMPLIANCE.

(A) (1) If an investigation under this subchapter discloses that a violation of this subchapter has been committed, the Administrator or his or her agents or deputies shall furnish the violator, if known, with a notice of apparent violation, and state what action is necessary to come into compliance with this subchapter, and that a maximum of 48 hours may be granted in which to take corrective action for compliance. If the violator is still unknown after an attempt to identify ownership or if a review of facts gathered by the Administrator indicates a violation of this subchapter has occurred, and the violator, if known, has failed or refused to take corrective action, the animal or animals may be impounded by the Administrator provided that a notice of impoundment be given to the owner, in person or sent by certified mail.

(2) The notice of impoundment shall include the following:

- (a) An animal report number;
- (b) A listing of deficiencies noted;
- (c) An accurate description of the animal or animals involved;
- (d) The date on which the animal or animals were impounded;
- (e) The signature of the Rabies Control Department representative; and
- (f) A statement that "the violator may request a hearing to appeal the impoundment."

(B) A person desiring a hearing shall contact the County Animal Control Department within seven days from the date of impoundment, and the County Animal Control Department will hold an administrative hearing within seven days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the seven-day impoundment period, the County Animal Control Department cannot sell, offer for ownership or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired.

(C) Any expense incurred in such impoundment becomes a lien on the animal and must be discharged before the animal is released from the County Animal Control Department.

(1993 Code, § 50.172) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

FEES AND ANIMAL CONTROL FUND

§ 50.190 AUTHORITY TO REQUIRE FEES.

The County Board, pursuant to the authority granted to it by 510 ILCS 5/1 et seq. may require a fee for the registration of dogs and other domesticated animals, as they may decide in the future. The Administrator, his or her agents, deputies and wardens, as well as the employees of the County Animal Control Department, shall carry out the provisions of this chapter requiring registration of dogs and other domesticated animals and the imposition of the registration fees ordained by resolution of the County Board, as well as any other fees authorized by the State Animal Control Act and Humane Care for Animals Act, 510 ILCS 70/, and implemented by the County Board.

(1993 Code, § 50.185) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

§ 50.191 REMITTANCE OF FEES INTO ANIMAL CONTROL FUND.

All registration fees collected shall be remitted to the County Treasurer, who shall place the monies in an Animal Control Fund. This Fund shall be set up by the Treasurer 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 this chapter and for the following purposes as established by ordinance of the County Board: funds may be utilized by local health departments or county nurse's offices for the purchase of human anti-rabies serum, human vaccine, the cost for administration of serum or vaccine, minor medical care, and for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs occurred in carrying out the provisions of this chapter or any county or municipal ordinance concurred in by the Department relating to animal control, except as set forth in this chapter.

(1993 Code, § 50.186) (Ord. 92-10, passed 11-18-1992; Ord. 2006-07, passed 6-21-2006)

NUISANCE PROVISIONS

§ 50.205 NUISANCES.

(A) It shall be a public nuisance for any owner of a dog to permit said dog to run at large in any unincorporated area of the county. A dog is deemed to be running at large if it is on any public way or public place, or upon the private premises of any person other than those of the keeper of the dog, unless the dog is under control by leash or other recognized control methods, However, a dog shall not be deemed to be a nuisance where:

(1) The dog is upon private premises, in the presence and company and under supervision of its owner, and an adult individual with an ownership or possessory interest in the premises consents to the dog's presence on his or her premises; or

(2) The dog is upon public premises that specifically allow dogs to be present off-leash and the dog is in the presence and company and under supervision by its owner.

(B) It shall be a public nuisance for any owner of a cat to permit said cat to cause damage to any real or personal property of any other person, when that property is found or located within the unincorporated area of the county.

(C) It shall be a public nuisance for any owner of a cat six months of age or older to permit said cat to run at large in any unincorporated area of the county. A cat is deemed to be running at large if it is on any public way or public place, or upon the private premises of any person other

than the keeper of the cat, unless the cat is under control by leash or other recognized control methods. This section does not apply to any cat that has been spayed or neutered.

(D) It shall be a public nuisance for any person to permit any dog or other dangerous animal to leave the premises of its owner when not under control by a recognized control method.

(E) Any animal found by the Administrator to be a nuisance may be impounded in accordance with the provisions of §§ [50.040](#) through [50.049](#).

(Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.206 PENALTY FOR NUISANCE VIOLATIONS.

Any person who commits any act prohibited by § [50.190](#) shall be subject to a fine.

(Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006) Penalty, see § [50.999](#)

§ 50.999 PENALTY.

(A) Any person violating or aiding in or abetting the violation of any provision of either the State Animal Control Act, 510 ILCS 5/1 et seq., or this chapter, or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by this chapter, or resisting, obstructing or impeding the Administrator or any authorized officer in enforcing this chapter, or refusing to produce for inoculation any dog in his or her possession not confined at all times to an enclosed area, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a petty offense for a first or second offense and shall be fined not less than \$25 nor more than \$200. For a third and any subsequent offense, the State's Attorney shall prosecute the violations as misdemeanor offenses against state statutes, being a Class C misdemeanor.

(B) Each day a person fails to comply constitutes a separate offense. The State's Attorney to whom the Administrator reports any violation of this chapter or the State Animal Control Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(C) If the owner of a dog subject to enclosure:

(1) Fails to maintain or keep the dog in an enclosure;

(2) The dog 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 the person is peaceably conducting himself or herself and where the person may lawfully be; the owner shall be guilty of a violation of this chapter, as well as a Class C misdemeanor. However if the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure, then, in that case, the owner shall be guilty of a Class 4 felony. The penalty provided in this section shall be in addition to any other criminal or civil sanction provided by law.

(D) Any person adjudicated guilty of violating § [50.024](#) shall pay a minimum fine of \$200.

(E) Any person who commits any act prohibited by § [50.190](#) shall be subject to a fine not in excess of \$500. Further, the State's Attorney may bring an action to enjoin any persons from

violating § [50.190](#) and seek an order from the Circuit Court to enjoin the violator from maintaining such a nuisance.

(1993 Code, § 50.999) (Ord. 92-10, passed 11-18-1992; Ord. 2003-08, passed 11-19-2003; Ord. 2006-07, passed 6-21-2006)

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