

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Purpose.

The purpose of this chapter is to provide harmonious relationships in the interaction between human and animal by:

- (1) Protecting from rabies by specifying such preventive and control measures as may be necessary;
- (2) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
- (3) Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;
- (4) Encouraging responsible pet ownership;
- (5) Promoting community and consumer awareness of animal control and welfare; and
- (6) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter.

(Code 1980, § 20-1; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-1, 10-5-1999; Ord. No. 14-2408, 4-9-2014; Ord. No. 17-1165, 3-8-2017.)

Sec. 10-2. - Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

Animal means any live vertebrate creature except man.

Animal capable of transmitting rabies means all animals classified as mammals.

Animal control warden means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

Bird means any flying vertebrate that is covered with feathers.

Bite means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

Cat means all members of the classification, *Felis catus*.

Confined means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

Dangerous or vicious animal means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

Dog means all members of the classification, *Canis familiaris*.

Domestic animal means any animal which has been domesticated by man so as to live and breed in a tame condition.

Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Inoculation against rabies means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

Offer(s) for sale means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

Owner means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.

Pet shop operator means as provided in 225 ILCS 605/2 of the Animal Welfare Act.

Pound means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

Rabbit means all members of the classification, *Oryctolagus cuniculus*.

Rescue organization means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Stray animal means any owned animal that is not controlled.

Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

Tow chain or log chain means any chain that is more than one-quarter of an inch in width.

(Code 1980, § 20-2; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-2, 10-5-1999; Ord. No. 04-O-44, § 1, 11-3-2004; Ord. No. 10-O-09, 1-26-2010; Ord. No. 14-2408, 4-9-2014.)

Sec. 10-3. - Violations.

- (a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter. Any person violating or failing to comply with Section 10-13 of this Chapter shall be subject to a fine of \$500.00 for each violation. Each sale or act in violation of Section 10-13 shall constitute a separate and distinct violation. Violations of Section 10-13 shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

- (b) A complaint may be brought in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
- (c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
- (d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.

(Code 1980, § 20-11; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-11, 10-5-1999; Ord. No. 14-2408, 4-9-2014; Ord. No. 17-1165, 3-8-2017.)

Sec. 10-4. - Administrator authority, dog parks or areas.

No person including a municipal corporation, forest preserve district or park district or park district shall designate within the County any outdoor area, even if fenced, as an area where dogs may run off leash unless such person, municipal corporation, forest preserve district or park district complies with such regulations as may be issued by the Administrator for the operation of outdoor off leash areas.

(Ord. No. 04-O-44, § 6, 11-3-2004.)

Sec. 10-5. - Supervision by Department; rules and regulations.

The Administrator may issue regulations, consistent with the provisions of this chapter, for their administration and enforcement, and may prescribe forms which shall be used in connection therewith.

(Code 1980, § 20-15; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-15, 10-5-1999.)

Sec. 10-6. - Duties of Administrator; police power; cooperation of Sheriff and police.

- (a) It shall be the duty of the Administrator, through public education, rabies inoculation, stray control, impoundment, quarantine and other means deemed necessary to control and prevent the spread of rabies in the County.
- (b) The Administrator and Animal Control Wardens are for the purpose of enforcing this chapter and the Animal Control Act (510 ILCS 5/1 et seq.), clothed with full police power.
- (c) The Sheriff and Sheriff's Deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Animal Control Act (510 ILCS 5/1 et seq.).
- (d) The Administrator shall be authorized to develop new programs to implement the animal control goals of this chapter and the Animal Control Act (510 ILCS 5/1 et seq.). Such programs may include but are not limited to; programs to aide in the elimination of uncontrolled and/or stray animals in the community, programs to educate the public on issues pertaining to animal control and rabies, programs to impound stray animals, and programs to fund surgical treatment to render animals unable to reproduce. The Administrator is further authorized, subject to annual budget approval by the Board of Commissioners to use Animal Control Funds collected from the issuance of annual animal tags as authorized in Section 10-41(b) of this chapter, to fund such programs.

(Code 1980, § 20-12; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-12, 10-5-1999.)

Sec. 10-7. - Powers of municipalities and other political subdivisions to regulate animals.

Nothing in this chapter shall be held to limit, the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this chapter be construed to limit the power of any municipality or other political subdivision to further control and regulate animals in such municipality or other political subdivision by enacting stricter requirements, including a requirement of inoculation with rabies vaccine.

(Code 1980, § 20-13; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-13, 10-5-1999.)

Sec. 10-8. - Animal care.

- (a) No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- (c) No person shall own, keep, harbor, or otherwise maintain within the County, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
- (d) No person shall use a tow or log chain as a collar, leash or tether.
- (e) Restrictions on a dog that is tethered:
 - (1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.
 - (2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
 - (3) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.
 - (4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.
 - (5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
 - (6) No dog shall be tethered within 200 yards of a school.
 - (7) No person shall permit at any time a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.
- (f) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
- (g) No person shall hold a greased pig contest.
- (h) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
- (i) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- (j) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).

- (k) No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
- (l) No person shall bring or cause to have brought into the County, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
- (m) No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.
- (n) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law. Birds that are regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.
- (o) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.
- (p) No person shall permit at any time their animal to:
 - (1) Run uncontrolled;
 - (2) Molest persons or vehicles by chasing, barking or biting;
 - (3) Attack other animals;
 - (4) Damage property other than the owner's.
- (q) No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.
- (r) No person shall fail to remove feces deposited by the person's cat or dog, except service animals, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without that person's consent.
- (s) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.
- (t) No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.
- (u) Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the Cook County Department of Animal and Rabies Control, to the nearest humane society, to the nearest municipal pound, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.

- (v) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.
- (w) Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1 et seq.).
- (x) Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to State fire prevention regulations.

(Code 1980, § 20-3; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-3, 10-5-1999; Ord. No. 04-O-44, § 2, 11-3-2004; Ord. No. 10-O-09, 1-26-2010.)

Sec. 10-9. - Stray animals.

- (a) Whenever an Animal Control Warden observes or is informed that an animal is a stray or is running-at-large and not under the control of the owner, the animal shall be immediately apprehended and impounded. Any person may apprehend a stray animal and inform the local police or the Administrator so that the stray animal can be impounded. Stray animals impounded by the Department of Animal and Rabies Control shall be kept at a location closest to the point at which the stray animal is apprehended. A minimum of two impoundment locations shall be used by the Department, one optimally convenient to that portion of the County outside the City of Chicago lying north of the Eisenhower Expressway and one optimally convenient to that portion of the County outside the City of Chicago lying south of the Eisenhower Expressway.
- (b) All stray animals impounded shall have a record. The record shall include the owner's name, address and telephone number, if known; species or breed, color, sex, and physical condition of the animal; license or tag number, if known; and the time and date impounded.
- (c) When owners of stray animals impounded are known, notice shall be given by mail to the last known address. Stray animals shall not be held less than seven days, if the owner is known. All unclaimed apprehended animals shall be placed for adoption, humanely euthanized or otherwise disposed of in accordance with the Illinois State Law.
- (d) The stray animal owner is responsible for all costs relating to the apprehension and impoundment of the animal found not under control.

(Code 1980, § 20-7; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-7, 10-5-1999; Ord. No. 04-O-44, § 4, 11-3-2004.)

Sec. 10-10. - Restrictions on controlled animals.

- (a) Animals shall not be permitted to enter any place where food is processed for human consumption. Service animals and guard dogs used in food establishments are exempt from this restriction.
- (b) Animals, except service animals, shall not be present at or upon any school premises, public playground or public swimming pool unless official written permission has been granted by the public agency or its agent owning the property. At no time shall animals be permitted in any sand box or sand piles in which children play.

(Code 1980, § 20-8; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-8, 10-5-1999; Ord. No. 04-O-44, § 5, 11-3-2004.)

Sec. 10-11. - Female animals in heat.

The owner of any female animal in heat (estrus) shall confine such animal in a building or secure enclosure and shall attend the animal in such a manner that such female animal cannot come into contact with a male of the same species except for planned breeding.

(Code 1980, § 20-9; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-9, 10-5-1999.)

Sec. 10-12. - Dangerous or vicious animals.

Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.

(Code 1980, § 20-10; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-10, 10-5-1999.)

Sec. 10-13. - Prohibiting the sale of commercially bred dogs, cats and rabbits in pet shops.

- (a) A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from:
- (1) An animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
 - (2) A humane society or rescue organization;
 - (3) Animal obtained from breeders. No pet shop operator may offer for sale any dog, cat or rabbit obtained from a breeder unless the following requirements are met:
 - (i) The breeder holds a valid USDA class "A" license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and
 - (ii) The breeder owns or possesses no more than five female dogs, cats or rabbits capable of reproduction in any 12-month period; and
 - (iii) No more than five female dogs, cats or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder; and
 - (iv) In addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
 - a. The active USDA license number(s) of the animal's breeder;
 - b. Any previous USDA license number(s) held by the animal's breeder in the last five years;
 - c. The name, mailing and site address location(s) of the breeder as they appear on the breeder's active USDA license;
 - d. All names the breeder is doing business as;
 - e. The total number of female dogs, cats or rabbits capable of reproduction owned or possessed by breeder;
 - f. The sire and dam of the animal;
 - g. The name and address of the location where the animal was born; and
 - h. The name(s) and address of any other location(s) where the animal was housed by the breeder after birth.
- (b) *Exemptions.* The restrictions on pet shop operators set forth in subsection (a) of this section shall not apply to any entity listed in paragraphs (1) or (2) of Subsection (a) of this Section, or to any

veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

- (c) *Disclosures required.* Any pet shop operator that offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:
- (1) For each dog or cat: A written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and
 - (2) For each rabbit:
 - (i) The breed, approximate age, sex and color of the animal;
 - (ii) The date and description of any inoculation or medical treatment that the animal received while under the possession of the pet shop operator;
 - (iii) The name and address of the location where the animal was born, rescued, relinquished or impounded; and
 - (iv) If the animal was returned by a customer, the date of and reason for the return.
- (d) [*Disclosures to be provided.*] The disclosures required under Subsection (c) shall be provided by the pet shop operator to the customer in written form and shall be signed by both the pet shop operator and customer at the time of sale. The pet shop operator shall retain the original copy of such disclosure and acknowledgement for a period of two years from the date of sale. Upon request by an authorized Administrator or Animal control warden, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized official. The pet shop operator shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law.
- (e) *Applicability of this Section.* This Section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an Ordinance of another governmental entity (which by law may not be superseded by this Section).
- (f) *Enforcement.* The Department of Animal Control shall enforce this Section, and the Sheriff shall assist the department in said enforcement.

(Ord. No. 14-2408, 4-9-2014; Ord. No. 16-2675, 5-11-2016.)

Secs. 10-14—10-40. - Reserved.

ARTICLE II. - RABIES CONTROL

Sec. 10-41. - Rabies vaccination.

- (a) Every owner, except animal shelters, animal impounding facilities, and laboratory animal facilities, of a dog, cat or ferret four months or more of age shall cause such animal to be inoculated with a rabies vaccine by a licensed veterinarian at such intervals as approved by the State Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the State Department of Agriculture.
- (b) Evidence of such rabies inoculation shall be entered on a certificate approved by the County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate. Only one animal shall be included on each certificate. Upon change of ownership application shall be made for a new inoculation certificate. Such tags shall be attached to the collar or harness worn by the animal for which the tag was issued when the animal is off the property of the owner. The cost of the tags shall be as set out in Section 32-1 for a one-year tag and for a three-year

tag. The tag fees shall be paid to the Department and transferred to the County Treasurer on the last day of each month.

(Code 1980, § 20-4; Ord. of 1-3-1977; Ord. No. 83-O-09, 2-28-1983; Ord. No. 99-O-25, § 20-4, 10-5-1999; Ord. No. 02-O-31, § 20-4, 9-19-2002; Ord. No. 04-O-44, § 3, 11-3-2004; Ord. No. 08-O-55, 11-19-2008.)

Sec. 10-42. - Biting animal capable of transmitting rabies.

- (a) It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred.
- (b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person has been bitten by an animal the Administrator shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting incident. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if the animal is currently vaccinated with an approved rabies vaccine. Caged animals such as rats, guinea pigs, rabbits, etc., can be placed under home confinement.
 - (1) When the biting animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.
 - (2) When the biting animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.
- (c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.
- (d) When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that an animal may have rabies, the owner or veterinarian shall notify the Administrator immediately by telephone or in person of these signs. The Administrator shall immediately notify the physician attending the bitten person or responsible health agency as soon as the Administrator receives notice of such signs and shall securely confine the animal.
- (e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine. The animal owner shall show proof of rabies inoculation for the animal and shall pay any fee, charge or penalty including any fee for veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with State law.
- (f) It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the animal known to have bitten a person until it has been released from confinement for observation for rabies by the Administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person they shall be mailed to the owner of such animal by regular mail, postage prepaid, return receipt requested. The affidavit of testimony of the Administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of their responsibilities.

(Code 1980, § 20-5; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-5, 10-5-1999.)

Sec. 10-43. - Rabies case procedure.

- (a) It shall be unlawful for the owner of an animal which shows signs of rabies or which acts in a manner which would lead a person to believe that such animal may have rabies to fail to notify the local police or the Administrator immediately by telephone or in person.
- (b) The Administrator shall investigate each report of an animal which shows signs of rabies or acts in a manner which would lead a person to believe that the animal may have rabies. Upon determination by the Administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal shall be required by the Administrator to surrender the animal to the Administrator or a licensed veterinarian for confinement for a period of time as determined by the State Department of Agriculture.
- (c) When the animal confined is determined to be infected with rabies by the examining veterinarian the Administrator shall order the animal humanely destroyed. A copy of this order shall be given to the owner of the animal or mailed to the last known address of the owner. Any animal capable of transmitting rabies in direct contact with the rabid animal whether or not the exposed animal has been inoculated with rabies shall be confined as recommended by the Administrator. The Administrator may order the exposed animal euthanized.
- (d) If the animal confined is determined not to be infected with rabies at the end of the period of confinement it shall be released to the owner of such animal upon presenting proof of a current rabies inoculation certificate for the animal and payment of any fee, charge or penalty including any fee for veterinary services. If the animal is not redeemed by the owner, the animal may be disposed of in accordance with State law.
- (e) Whenever a case of rabies has occurred in a locality, or whenever the proper officials of a government unit are apprehensive of the spread of rabies, the Administrator shall act as directed by the rules and regulations of the State Department of Agriculture.

(Code 1980, § 20-6; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-6, 10-5-1999.)

Secs. 10-44—10-75. - Reserved.

ARTICLE III. - VICIOUS AND DANGEROUS DOGS

Sec. 10-76. - Confinement.

Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.

(Ord. No. 04-O-09, § 20-10, 1-22-2004.)

Sec. 10-77. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bodily organ includes but is not limited to skin, which is considered the largest of the human organs.

Cat means all members of the family *Felidae* .

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.

Dog means all members of the classification, *Canis Familiaris* .

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 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, 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.

Ferret means all members of the classification, *Mustela putorius furo* .

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

Muzzle means a fastening or covering for the mouth of an animal used to prevent biting and eating.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or acts as its custodian, or who has it in his care.

Physical injury means the impairment of physical condition.

Police animal means an animal owned or used by a law enforcement department or agency in the course of the department's or agency's work.

Serious physical injury means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, serious impairment of health, impairment of the function of any bodily organ, or injury requiring plastic surgery, or injury or injuries that when viewed by a reasonable person are considered significant and substantial.

Vicious dog means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(Ord. No. 04-O-09, § 20-10(A), 1-22-2004.)

Sec. 10-78. - Declaration of a "vicious" dog.

- (a) A dog may be declared vicious if the Court determines that without justification, the dog attacks a person causing serious physical injury or death, or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.
- (b) In order to have a dog deemed "vicious," the County Animal Control Administrator 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.
- (c) A complaint may be filed in the Circuit Court of the County after a complete investigation by the County Animal Control Administrator, or designee. The County Department of Animal Control shall accept requests for investigation by any party. Such investigation shall follow these requirements:
 - (1) The investigation must be thorough and include interviews with witnesses to the conduct in question;
 - (2) Medical records concerning the injuries inflicted on the person of the alleged vicious conduct and veterinary records of the dog regarding behavioral evidence must be gathered and reviewed;
 - (3) A detailed report must be provided to the Office of the State's Attorney and the owner of the dog recommending a finding that the dog is or is not vicious;
 - (4) The Animal Control Administrator shall determine whether the dog shall be confined, and if so where, during the pendency of the case.

- (d) In order to have a dog deemed "vicious" a complaint must be filed in the Circuit Court of the County.
- (e) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert, may be relevant to the court's determination as to whether the dog's behavior was vicious or justified.
- (f) The petitioner must establish by clear and convincing evidence that the dog is vicious. If the burden of proof is met, the court shall deem the dog to be a vicious dog.
- (g) 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;
 - (4) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties;
 - (5) Vicious dogs shall not be classified in a manner that is specific as to breed.
- (h) 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 article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall register the animal with the Administrator and 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.

(Ord. No. 04-O-09, § 20-10(B), 1-22-2004; Ord. No. 17-1165, 3-8-2017.)

Sec. 10-79. - Finding of a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered and microchipped within days of the finding at the expense of its owner. The dog shall be subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator 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 the County Department of Animal Control.

(Ord. No. 04-O-09, § 20-10(C), 1-22-2004.)

Sec. 10-80. - Confinement of a vicious dog.

- (a) 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 dog owner or keeper of the dog to obtain veterinary care for the dog;
 - (2) In the case of an emergency or natural disaster where the dog's life is threatened; or

- (3) To comply with the order of a court of competent jurisdiction;

provided that the dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

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

(Ord. No. 04-O-09, § 20-10(D), 1-22-2004.)

Sec. 10-81. - Dangerous dog determination.

- (a) After a thorough investigation including: sending within three days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or designee, 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 designee determines the conduct of the dog was justified because:
- (1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of 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) 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 article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, 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.

(Ord. No. 04-O-09, § 20-10(E), 1-22-2004.)

Sec. 10-82. - Finding of a dangerous dog.

- (a) If deemed dangerous, the Administrator, or designee, shall order the dog be spayed or neutered within ten 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.
- (b) The Administrator may order a dangerous dog to be muzzled whenever the animal 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.

(Ord. No. 04-O-09, § 20-10(F), 1-22-2004.)

Sec. 10-83. - Control of a dangerous dog; 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.

(Ord. No. 04-O-09, § 20-10(G), 1-22-2004.)

Sec. 10-84. - Appeal of dangerous dog determination.

- (a) The owner of a dog found to be a dangerous dog pursuant to this ordinance by Administrator may file a complaint against the Administrator in the County 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.
- (b) The owner of a dog found to be a dangerous dog pursuant to this ordinance by the Director, may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules of application to formal administrative proceedings, 8 Ill. Admin. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the Circuit Court of the County. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.
- (c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.
- (d) At any time after the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(Ord. No. 04-O-09, § 20-10(H), 1-22-2004.)

Sec. 10-85. - Expenses of microchipping.

A clinic for microchipping companion animals of County residents should be conducted at least once a year under the direction of the Administrator at the animal control facility, animal shelter, or other central location within the County. The maximum amount that can be charged for microchipping an animal at this clinic shall be as set out in Section 32-1. Funds generated from this clinic shall be deposited in the County Animal Control Fund.

(Ord. No. 04-O-09, § 20-10(I), 1-22-2004.)

Sec. 10-86. - Violations.

- (a) Any person violating or aiding in or abetting the violation of any provision of this ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this ordinance, or refusing to produce for inoculation any dog in his possession or who removes a tag from a dog for purposes of destroying or concealing its identity, or who removes a tag, microchip, or tattoo, is guilty of a Class B misdemeanor. A second offense will constitute a Class A misdemeanor.
- (b) Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this article shall cause appropriate proceedings to be instituted in the proper manner provided by law.

(Ord. No. 04-O-09, § 20-10(J), 1-22-2004.)

Sec. 10-87. - Penalties; 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;
- (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 section shall be in addition to any other criminal or civil sanction provided by law.

(Ord. No. 04-O-09, § 20-10(K), 1-22-2004.)

Sec. 10-88. - Penalties; dangerous dog.

If the owner of a dangerous dog knowingly fails to comply with any order of the court or the Administrator 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.

(Ord. No. 04-O-09, § 20-10(L), 1-22-2004.)

Secs. 10-89—10-94. - Reserved.

ARTICLE IV. - MANAGED CARE OF FERAL CATS

Sec. 10-95. - Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned Cat means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

Animal Control Officer or ACO means any person employed or appointed by the County or a municipality who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with Illinois law and this Code.

Department means the Cook County Department of Animal and Rabies Control.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

EAID means an electronic animal identification device.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat means a cat that:

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

Feral Cat Caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

Feral Cat Colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a Colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Feral Cat Colony Caretaker means any Feral Cat Caretaker who is approved by a Sponsor to care for a Feral Cat Colony.

Microchip means, for the purpose of this Ordinance, to implant an EAID (electronic animal identification device) in an animal.

Nuisance means, for purposes of this Ordinance, conduct by stray or feral cats that disturb the peace. Stray or feral cats may create a nuisance by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a Feral Cat Colony Caretaker.

Sponsor is any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors and provides written notice to the Department that it will serve as a Sponsor.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this ordinance.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-96. - Responsibilities of owners of domesticated cats.

- (a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
- (b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a Nuisance.
- (c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.
- (d) An owner shall not abandon a domesticated cat.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-97. - Feral cat colonies.

- (a) *[Permitted.]* Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a Department-approved Sponsor, as defined in Subsection 10-97(b), and that the Feral Cat Colony Caretaker takes all appropriate and available steps to meet the terms and conditions of this Ordinance.
- (b) *Sponsorship of Colony TNR Programs.* Any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor shall so advise the Department in writing and provide its address and telephone number, and electronic mail address if applicable.
- (c) *Sponsor Requirements.* It shall be the duty of the Sponsor to:
 - (1) Review, and in its discretion, approve of Feral Cat Colony Caretakers.
 - (2) Help to resolve any complaints over the conduct of a Feral Cat Colony Caretaker or of cats within a colony.
 - (3) Maintain records provided by Feral Cat Colony Caretakers on the size and location of the colonies as well as the vaccination, microchipping, and spay and neuter records of cats in the Sponsor's colonies.
 - (4) Provide, at a minimum, written educational training for all Caretakers addressing uniform standards and procedures for colony maintenance.
 - (5) Report annually to the Department on the following:
 - a. Number and location by zip code of colonies for which it acts as a Sponsor in the County;
 - b. Total number of cats in each of its colonies;
 - c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
 - (6) Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;

- (7) Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;
 - (8) Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this Ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.
- (d) *Feral Cat Colony Caretaker Responsibilities.* In order to be an approved managed Feral Cat Colony Caretaker, said Caretakers shall be responsible for the following:
- (1) Registering the colony with the Sponsor;
 - (2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update the vaccinations as warranted and mandated by law;
 - (3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;
 - (4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified;
 - (5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the Feral Cat Colony Caretaker shall be the named contacts for purposes of the EAID;
 - (6) Providing the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered;
 - (7) Providing food, water, and if feasible, shelter for colony cats;
 - (8) Obtaining proper medical attention for any colony cat that appears to require it;
 - (9) Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat;
 - (10) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Caretaker requires access to provide colony care;
 - (11) Taking all reasonable steps to:
 - a. Remove kittens from the colony after they have been weaned;
 - b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement; and
 - c. Capture and spay the mother cat.
 - (12) Reporting semiannually in writing to the Sponsor on:
 - a. The location of the colony;
 - b. The number and gender of all cats in the colony;
 - c. The number of cats that died or otherwise ceased being a part of the colony;
 - d. The number of kittens born to colony cats and their disposition;
 - e. The number of cats placed in animal shelters or in permanent homes as companion cats;
 - f. The number of cats vaccinated;
 - g. The number of cats microchipped; and
 - h. The number of cats spayed or neutered.

- (e) *Withdrawal of Feral Cat Colony Caretaker or Sponsor.* In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor. In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the Department. The Sponsor shall work with the Department to obtain a replacement Sponsor. If no new Sponsor is found within 30 days, the Sponsor shall notify the Department.
- (f) *Disposition of Feral Cat Colony cats.*
- (1) An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a Feral Cat Colony, shall scan the cat for an EAID. If an EAID is found, the Officer shall attempt to contact the Sponsor or Feral Cat Colony Caretaker. If an EAID is not found, the Officer shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Caretaker of this cat or a Feral Cat Colony Caretaker who will take responsibility for managing this cat.
 - (2) If the Feral Cat Colony Caretaker is not able to immediately take custody of the cat, the Officer shall transport the cat to the Sponsoring Humane Society's Animal Shelter or nearest Animal Shelter. The Feral Cat Colony Caretaker shall be responsible for retrieving the cat from the Shelter within three business days or advising the Shelter if he or she does not intend to retrieve the cat.
 - (3) The Department, its designee, or a licensed veterinarian, in accordance with Section 10-98, Ordinance Enforcement, shall be the only persons permitted to destroy a Feral Cat. No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a Feral Cat. In accordance with Subsection 10-8(k), Animal Care, the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-98. - Ordinance enforcement.

- (a) The Department or its designee, in order to encourage the stabilization of the Feral Cat population in Cook County, shall have the following rights:
- (1) The right to trap in a humane manner and remove any cats that:
 - a. Have not been vaccinated against rabies or which are demonstrating signs of the disease;
 - b. Are not spayed or neutered;
 - c. Are not identifiable through an EAID as belonging to a Feral Cat Colony that has a Sponsor and a Feral Cat Colony Caretaker; or
 - d. For public health or public safety concerns.
 1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Sponsor can arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The Sponsor may then arrange for the cat to be adopted or placed in a Feral Cat Colony.

2. If a Feral Cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed.
- (2) The right to direct that a Sponsor remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat, the Sponsor shall have 30 days to do so. Failure of the Sponsor to remove the cat within said time period (or such longer time as the Department may specify) shall constitute grounds for the Department to remove the cat.
- (b) Animal Control Officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a Feral Cat.
 - (1) In the event that an ACO or police officer finds that a Feral Cat or Feral Cat Colony has created a nuisance, the ACO or police officer shall advise the Department and Sponsor in writing of the nuisance.
 - (2) The Sponsor shall have the right to review the matter with the Administrator of the Department. If the Sponsor is not able to satisfy the Administrator that a nuisance is not occurring, the Sponsor shall have 30 days to comply with the Administrator's direction with respect to correcting the nuisance. If the Sponsor fails to correct the nuisance, the Department shall have the right to remove the cat.
- (c) If a Sponsor fails to perform its responsibilities as defined in Subsection 10-97(c) of this article, the Department may notify the Sponsor that it must comply with the requirements of this article within 30 days. If the Sponsor fails to do so, the Department may remove this Sponsor from the list of Department-approved Sponsors, and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.
- (d) If a Feral Cat Colony Caretaker regularly fails to comply with this article, the Sponsor may notify the Feral Cat Colony Caretaker that he or she has 30 days to make all reasonable efforts to fulfill the responsibilities defined in Subsection 10-97(d) of this article. If the Feral Cat Colony Caretaker fails to comply within that time period, the Sponsor may identify and obtain replacement Feral Cat Colony Caretakers for the Feral Cat Colonies of the non-compliant Feral Cat Colony Caretaker. If no other Feral Cat Colony Caretaker can be found within 30 days, the Sponsor shall notify the Department, and the Department may humanely remove all, or parts of, the Feral Cat Colonies and dispose of them in accordance with Section 10-98 of this article.
- (e) Feral Cats who were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective, but did not have an EAID inserted or were marked as Feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to be in compliance with this article, if all other requirements in Subsection 10-97(d) are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-99. - Effective date.

This Ordinance shall become effective 30 days after adoption.

(Ord. No. 07-O-72, 10-16-2007.)