

# ARTICLE XVII

AN ARTICLE REGULATING

# ANIMAL CONTROL

FOR

# MCHENRY COUNTY

APPROVED JULY 19, 1988  
AMENDED AUGUST 21, 1990  
AMENDED AUGUST 20, 1991  
AMENDED JULY 21, 1993  
AMENDED DECEMBER 17, 1996  
AMENDED OCTOBER 20, 1998  
AMENDED JANUARY 18, 2000  
AMENDED JANUARY 16, 2001  
AMENDED JUNE 5, 2001  
AMENDED JANUARY 15, 2002  
AMENDED JULY 2, 2002  
MCHENRY COUNTY BOARD

PUBLIC HEALTH ORDINANCE

FOR

MCHENRY COUNTY

ARTICLE XVII

ANIMAL CONTROL

MCHENRY COUNTY DEPARTMENT

OF

HEALTH

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MCHENRY COUNTY BOARD

ARTICLE XVII  
ANIMAL CONTROL  
SECTION 1  
GENERAL PROVISIONS

1.01 Title. This Article shall be known and cited as "An Article regulating Animal Control for McHenry County, Illinois."

1.02 Policy and Purpose. It has been found by the McHenry County Board of Health that animals that are not controlled by responsible owners become a hazard to safety and health of persons. It has also been established that rabies is endemic in wild-life in McHenry County, Illinois and that rabies vaccination of dog and cat pets is an important barrier to preventing an epidemic of the disease in pets and thereby preventing a potential disease problem in the susceptible population of the County. Registration provides an important means of identifying owners of biting animals and thereby establishes responsibilities for ten (10) day quarantines. The registration fees provide moneys to pay the costs of effectuating the Animal Control Program in the County. The McHenry County Board of Health has determined that over-crowding of animals on a premises creates nuisance and sanitation problems as well as safety hazard to persons in residential areas.

1.03 Scope. This article shall include the following provisions;

- A. Duties of owners to control all domestic, and exotic or zoo animals in their custody.
- B. Duties of owners to vaccinate dogs in their custody against rabies.
- C. Duties of owners to register all dogs in their custody with the Department.

- D. Duties of the Rabies Inspector in cases of dog and cat quarantine.
- E. Duties of owners of dogs to purchase County Rabies Tags.
- F. Provisions for impoundment or confinement of biting animals.
- G. Duties of owners or persons who keep horses and restrictions for keeping them in non-agriculturally zoned areas.
- H. Provisions for penalties to owners who cruelly treat or neglect animals in their possession.

## SECTION 2 DEFINITIONS

2.01 Animal. Any vertebrate creature, domestic or wild.

2.01.5 Animal Control Advisory Committee. A group of selected community members duly appointed by the Board of Health.

2.02 Animal, Controlled or Restrained. Means any owned animal that is either secured by a leash or lead or under voice control or within the premises of its owner or confined within a crate or cage or confined within a vehicle or on the premises of another person with the consent of that person.

2.03 Animal, Dangerous or Vicious.

A. "Vicious dog" or "Vicious animal" means:

(i) Any individual dog or animal that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;

(ii) Any individual dog or animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(iii) Any individual dog or animal which attacks a human being or domestic animal without provocation;

(iv) Any individual dog or animal which has been found to be a "dangerous dog" or animal upon 3 separate occasions;

(v) No dog or animal shall be deemed "vicious" if it bites, attacks or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

- B. "Dangerous Dog" or animal means any individual dog or animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.
- C. Any animal which according to the records of the Health Authority, has killed a domestic animal without provocation while off the owners property or,
- D. Any dog owned or harbored primarily or in part for the purpose of dog-fighting or any dog trained for dog fighting.
- E. Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property.

2.04 Animal, Potentially Dangerous. Shall mean any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack or other wise threaten the safety of human beings or domestic animals.

2.05 Animal, Exotic. Species of animals including poisonous reptiles, lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canadian lynx, bobcat, jagurandis, hyenas, coyotes, Artic fox, bears, prairie dogs, caymans, alligators, camel, elk, ostrich, cervidae and non-poisonous snakes that exceed 6 feet in length.

2.06 Animals, Farm. Animals of the species of fowl, ovine, caprine, bovine, porcine and equines.

2.07 Animal, Stray. Means any animal that is not controlled.

2.08 BITE. Shall mean seizure of a person with the jaws or teeth of any 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 such cat, dog or other animal with any break or abrasion of the skin.

2.09 Cattery, Commercial. A structure and/or land in or on which domestic cats are raised, bred and kept for sale and which operation is the primary source of owner's income.

2.10 Circus. Any commercial variety show featuring animal acts for public entertainment.

2.11 Confined. Means restriction of an animal at all times by the owner in a manner that will isolate the animal from the public and other animals.

2.12 Dangerous Dog. Means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

2.13 "Enclosure". Means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry

of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such 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.

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

2.15 Guide Dog. Shall mean a dog trained by a recognized organization to lead the handicapped.

2.16 Horse Farm. A structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owner's primary occupation.

2.17 Impounded. "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found

2.18 Kennel, Commercial. Any building, structure or enclosure used or intended to be used for the housing of any number of dogs. Commercial activities may include, but need not be limited to, public boarding, sale of dogs and sale of items or products related to dog care.

2.19 Kennel, Private. Any building, structure or enclosure used or intended to be used for housing of animals kept for the purpose of the raising, breeding, training, exhibiting and sale subject to the appropriate requirements of this Article. All animals kept must be owned or co-owned or under contract to the owner or lessor of the site. At the time of the sale of an animal, supplies relating to the pet's care may be sold.

2.20 Livery. Shall mean an operation which keeps horses for rent by the hour, day or week for the purpose of recreational riding.

2.21 Public Nuisance. Any animal or animals which:

- A. Molests passer-by or passing vehicles.
- B. Attacks other animals.
- C. Trespasses on school grounds.
- D. Is repeatedly at large.
- E. Damages private or public property.
- F. Barks, whines or howls in an excessive, continuous untimely fashion.

2.22 Runline. Means a system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.

2.23 Stable, Private (Non-Professional). An accessory and/or land use which is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of the dwelling and their guests, but in no event as livery.

2.24 Stable, Professional. A structure and/or land in or on which an operator keeps equines primarily for boarding, training and giving lessons, but in no event as livery.

2.25 Stable, Public (i.e. Livery). A structure and/or land operating to keep equines for hire, and to solicit and promote business and remuneration for services as the primary source of income.

2.26 Zoo, Commercial. A structure and/or land in or on which animals other than farm animals are kept for exhibit and/or sale.

## SECTION 3

### PERMITS, FEES, LICENSES, REGISTRATIONS

3.01 County Dog Registration. Every owner of a dog four months or more of age shall register such a dog and shall pay an annual registration fee for said dog at a place designated by the McHenry County Board of Health. Upon payment of the required fee, a registration certificate shall be issued. When an owner fails to register his dog, the McHenry County Board shall cause the registration fee to be collected from the owner. Whenever a dog owner has a Veterinarian's Certification that a three year rabies vaccine which is recognized in Illinois has been administered, by a Veterinarian to his/her dog, that dog owner may elect to purchase a three year registration tag at a fee designated in section 3.08.

3.02 Registration tags - Unlawful Possession, etc. Registration tags shall not be transferred from one dog to another, nor shall a person affix a registration tag to a dog other than the animal for which the tag was issued at the time of its rabies vaccination / registration. A person shall not affix a registration tag to a dog that has not been vaccinated against rabies, nor shall a person counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies registration tags.

3.03 Registration Fee to County Treasurer. All registration fees collected shall be remitted to the County Treasurer, who shall place such monies in an Animal Control Fund. This fund to be set up by her/him for the purpose of paying costs of the Animal Control Program. One-third of all fees collected shall be retained in the fund until the first Monday in March of each calendar year for the purpose of paying claims for the loss of livestock or poultry as set

forth in Section 19 of the Illinois Animal Control Act. The remaining two-thirds shall be used for paying the cost of stray dog control, impoundment, education on animal control and rabies and other costs incurred in carrying out the provisions of the "Illinois Animal Control Act".

3.04 Commercial Zoo. No person, firm or corporation, shall own or operate a commercial zoo in McHenry County who does not possess a commercial zoo permit issued to him by the McHenry County Department of Health. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such permit. The permit year shall be from January 1 to December 31.

3.05 Commercial Kennels. Commercial kennel operators licensed by the State of Illinois shall be required to register their dogs or cats in accordance with the fee schedule in Section 3.08.

3.06 Private Kennels. Private kennel operators shall be required to register their dogs or cats in accordance with the fee schedule in Section 3.08

3.07 Registration Tags. Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; Serial No. \_\_\_\_\_; Illinois Department of Agriculture; name of County and year.

This tag shall also serve as the registration tag and no dog shall be deemed officially rabies vaccinated unless this tag along with the official registration certificate signed by an official Registrar has been issued by the McHenry County Department of Health.

Such tags shall be worn on the collar or harness of the animal for which the tag and certificate was issued except when confined. Each year will be distinguished by a tag of a color prescribed by the Illinois Department of Agriculture.

3.08 Schedule of Fees. The following fees shall be required:

<u>TYPE</u>	<u>FEE</u>
Annual Dog Registration (not neutered)	\$16.00
Annual Dog Registration (neutered)	\$ 8.00*
Three year dog registration (not neutered)	\$39.00
Three year dog registration (neutered)	\$19.00*
Private or Commercial Kennel Registration	
First four dogs (each animal)	\$16.00
Additional dogs (each animal)	\$ 8.00
Senior Citizens dog registration	
1 year, (neutered)	\$3.00*
1 year, (not neutered)	\$7.00
3 year, (neutered)	\$7.00*
3 year, (not neutered)	\$17.50
Replacement registration tag	\$2.00
Late registration fee	\$10.00
(after 30 days past vaccination date)	
Adoption Fee (dogs) (per animal, \$40.00 spay/ neuter deposit, microchip and one year registration included)	\$80.00
Adoption Fee (cats) (per animal, \$40 spay deposit and microchip included)	\$70.00
Redemption Fee Animals with identification (id tag, microchips, tattoos) which identifies the owner at their current	

address	\$45.00
Redemption Fee for animal without identification or identification which does not identify the owner at their current address	\$55.00
Redemption Fee (second offense)	\$75.00
Redemption Fee (third and subsequent offenses)	\$150.00
Veterinary Services	\$25.00
Board for impounded animal, daily	\$10.00
Pick up fee for relinquish animals	\$50.00
Disposal per animal, less than 15 lbs.	\$15.00
Disposal per animal, 15 lbs. and over	\$20.00
Disposal per animal, non-resident of McHenry Co.	\$25.00
Microchipping	\$25.00
Rabies observation per animal (10 days)	\$75.00
Relinquish per dog, under 45 lbs or 7 years	\$30.00
Relinquish per dog, over 45 lbs or 7 years	\$50.00
Relinquish per dog, under 6 months	\$20.00
Relinquish 3 or more pups, under 6 months	\$35.00
Relinquish per cat, under 7 years	\$15.00
Relinquish per cat, over 7 years	\$25.00
Relinquish 2 to 10 kittens/cats	\$25.00
Service charge for payment plan	\$20.00
Specimens - prepared	
under 5 lbs.	\$15.00
over 5 lbs.	\$25.00
Specimen - unprepared	
under 15 lbs.	\$25.00
over 15 lbs.	\$50.00

Pick up fee for specimens (excludes species Which are common carriers of rabies in this Area i.e.: skunks, bats, foxes	\$25.00
Request to appeal declaration of vicious/ dangerous dog	\$100.00
Annual status fee for vicious dog (due April 1 of each year)	\$100.00
Wildlife removal	\$50.00
Deposit on loan of live traps when picked Up/returned in office (includes \$25.00 Non refundable handling fee)	\$40.00
Deposit on loan of live traps when delivered/ picked up by Animal Control Officer (includes \$25.00 non refundable handling fee)	\$50.00

\* A spay or neuter certificate from licensed veterinarian is required.

#### SECTION 4

##### INSPECTIONS

4.01 Commercial Kennels. The Administrator or his representatives shall cooperate with and assist, when necessary, the Illinois Department of Agriculture in inspections and enforcement of State Laws, Rules and Regulations regarding Commercial Kennels.

4.02 Access to Premises. For the purpose of carrying out the provisions of this Article and making inspections hereunder, the Administrator, or his authorized representative or any officer of the

law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal or a dog or other animal thought to be infected with rabies. If after request therefore, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Article and the Illinois Animal Control Act.

## SECTION 5

### DANGEROUS/VICIOUS ANIMALS - PUBLIC NUISANCE

5.01 Public Nuisance. It is unlawful for any person to maintain a public nuisance by permitting any dangerous/vicious dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

5.02 Exemptions for Animals that are Provoked. No dog or animal may be declared dangerous or vicious if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

5.03 Guide, Sentry, Guard, or Police-Owned Dogs. Guide dogs for the blind, hearing impaired, support dogs for the physically handicapped, sentry, guard, or police-owned dogs are exempt from Section 5.01; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies and shall be registered annually with the McHenry County Department of Health. It shall be the duty of the owner of

such exempted dogs to notify the McHenry County Department of Health of change of address. In the case of a sentry or guard dog, the owner shall keep the Department advised of the location where such dogs will be stationed. The McHenry County Department of Health shall provide police and fire department with a categorized list of such exempted dogs and shall promptly notify such departments of any address changes reported to the Department.

5.04 Vicious Dogs. 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 or on a run line. The only times that a vicious dog may be allowed out of the enclosure or off the run line are (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or (2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having tensile strength of 300 pounds and not exceeding 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure or on a run line shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

No owner or keeper of a vicious dog shall sell or give away any vicious dog.

5.04.1 The owner of a dog which has been declared dangerous or vicious by the Department may appeal that decision. The appeal process to be followed shall be as specified in Article I Section 3 of the Public Health Code of McHenry County. The declaration of the

dog as vicious or dangerous shall remain in effect and the requirements of the state Animal Control law and this County code as specified in the declaration letter shall be complied with while the appeal is being heard.

5.04.2 The owner of a dog which has been declared a "Vicious Dog" by the Department or by the Courts shall pay an annual status fee to the Department as indicated in section 3.08. Such fee shall be due April 1 of each year. The owner of any dog which has been declared Vicious must pay the annual status fee within 60 days of notification of such declaration. No refunds will be issued for any reason.

5.05 Injunction against Dangerous/Vicious Dogs or other animals. The Administrator, the State's Attorney, or any citizen of McHenry County in which a dangerous/vicious dog or other animal exists may maintain a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods by a competent person. Upon the filing of a complaint in any court of competent jurisdiction, the court is satisfied that this nuisance may exist, shall allow a temporary writ of injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter a decree restraining the owner from maintaining such nuisance and may decree that such dog or other animal be humanely dispatched.

5.06 Acceptable Control Methods - Dangerous/Vicious Dogs.

1. Dangerous Dogs

- A. An animal within an enclosed automobile, truck or other vehicle not being used as a public conveyance of humans.
- B. An animal in shipment on a public conveyance and properly confined in a shipping container constructed of materials in such a manner to prevent the animal from biting other animals or the public. Such container shall be conspicuously labeled.

5.07 Responsibility of Owner - Dangerous Dog or animal. The owner of any dog or animal exempt under this Section shall provide the Administrator with the breed, description, name and location where such dog or animal can be expected to be located at all times when not on leash or under direct control of its owner.

5.08 Animals - One Serious Bite. One serious bite inflicted on a person who was peacefully conducting himself in any place where he may lawfully be, is sufficient cause to declare that animal "vicious". Postal authorities, utilities and other public services have an implied right to be on private property when delivery of those services is expected by the property owner.

5.09 Restraint. A dog or animal, off the premises of the dog owner's owned or real property is under restraint within the meaning of this ordinance;

- A. If it is controlled by a line or leash of sufficient strength to keep such animal under control and held by a competent person capable of controlling such animal.
- B. When at "heel" of a competent person.
- C. When within a vehicle being drive, parked or stopped.
- D. When accompanied by a person competent in commonly accepted methods of control.

5.10 Running at Large/Restraint - Impoundment.

A. The owner of any dog, cat or other domestic animal shall not permit such animal to run at large within unincorporated areas of the County of McHenry, Illinois, which have been subdivided for residential purposes.

B. Every owner of a dog, cat or other domestic animal shall contain such animal to the confines of the owner's real property unless the animal is under restraint.

C. No person shall cause or permit any dog, cat or other domestic animal owned by him, unless under restraint to be on any public place or on any privately owned premises other than those of the owner without that property owners consent.

Any dog, cat or other domestic animal found running at large, not confined on the owners property or is on public property not under restraint shall be deemed and considered to be a declared Public Health nuisance, and the Administrator or his Animal Control Officers or Investigators shall capture and impound any such animal. The Administrator or his Deputy Administrator shall, immediately upon impounding any dog, cat or other animal make complete registry and enter therein the breed, color and sex of such dog, cat or other animal.

D. When dogs, cats or other domestic animals are apprehended and impounded by the Administrator, he shall give notice of not less than seven (7) days to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator, or his authorized

agent, who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog. In case the owner of any impounded dog desires to make redemption thereof, he may do so on the following conditions:

1. He must present proof of current registration and rabies inoculation.

OR

2. He must pay for the registration and rabies inoculation of the dog.

AND

3. He must pay the McHenry County Department of Health for the period it was impounded.

4. He must pay an additional redemption fee as designated in Section 3.08, which redemption fee shall be paid into the Animal Control Fund.

This shall be in addition to any other penalties invoked under this Ordinance.

5.11 Non-redemption/adoption/spaying or neutering. When not redeemed by the owner, a dog which has been impounded for failure to be inoculated and registered, if applicable, in accordance with the provisions of this ordinance shall be humanely dispatched, offered for adoption, or other-wise disposed of by the Department as a stray dog or cat. An unredeemed dog or cat shall not be released for adoption unless the animal has been rendered incapable of reproduction by spaying or neutering 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 within 30 days of adoption. Failure to fulfill the

terms of the agreement shall result in seizure and impoundment of the animal by the Department and any monies that have been deposited shall be forfeited. This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Any persons purchasing or adopting such dog or cat with or without charge or donation, must pay for the rabies inoculation of such dog or cat and registration if applicable.

5.12 Redemption or Adoption of Dog over four months of age. An owner redeeming an unvaccinated dog over four (4) months of age, or any person adopting a dog over (4) months of age which has been impounded, shall cause such dog to be officially vaccinated against rabies within five (5) days after removing such dog from the pound. Dogs under four (4) months of age which are redeemed or adopted shall be caused by the owner to be vaccinated against rabies within thirty (30) days after reaching four (4) months of age.

5.13 Animals on Leash.

A. It shall be unlawful for any dog, cat or other animal even though on a leash, to be in or enter upon any restaurant, or any place where food is sold or processed.

B. It shall be unlawful for any dog, cat or other animal even though on a leash, to be present at or upon any school premises, public playground, park, or public swimming pool, unless permission is granted by the agency which has such jurisdiction. Provided, that special areas in parks which may be designated for dogs, cats or other animals shall be permitted. The Health Authority may require that the feces from such animals be properly disposed of in appropriate containers or other methods.

C. The provisions of this Section shall not apply to dogs leading blind persons, the hearing impaired or support dogs for the physically handicapped.

5.14 Female Animals in Heat. The owner of any female animal in heat (estrus) shall keep such animal confined in a manner which will prevent the attraction of male dogs.

5.15 Entry upon the Private Property of Another. The owner of any dog or cat shall not permit such dog or cat to enter upon the premises or property which is located within McHenry County, Illinois, of another person without permission of the owner of such premises or property.

5.16 Damage to Property. The owner of any dog, cat or other domestic animal shall not permit such dog, cat or other domestic animal to injure, destroy or carry any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on or which may be planted or seeded on the property of another or on public property. These provisions do not exclude any civil liability for damage to property by a dog, cat or other domestic animal.

5.17 Barking Dogs. No owner or person in the possession, custody or control of a dog(s), shall allow this (these) dog(s) to bark, whine, or howl; for a period longer than 15 minutes, intermittently for a period in excess of two hours, or between the hours of 10:00 p.m. and 6:00 a.m., so as to disturb the peace, quiet or repose, or be audible to another person of ordinary sensibility.

5.18 Destruction of Livestock. Any owner seeing his sheep, goats, cattle, horses, mules, swine, or poultry being pursued, chased, worried, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill such dog.

5.19 Claims for Destruction. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of the Illinois Animal Control Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund, provided, he is a resident of this State and such injury or killing is reported to the Administrator within twenty-four (24) hours after such injury or killing occurs, and he shall have appeared before a member of the McHenry County Board, and make an affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. Members of the McHenry County Board are authorized to administer oaths in such cases.

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than two (2) witnesses who shall be freeholders of the County. The member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The member of the Board shall file a written report with the County Treasurer as to the right of the owner of sheep, goats, cattle, horses, mules, swine, or poultry to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry, the amount of damages to which he is entitled. Unless the County Board, by Ordinance, establishes a schedule for damaged reflecting the

reasonable value, the damages allowed for grade animals or poultry shall not exceed the amounts listed below.

Claims for Destruction

Unless the Country Board by Ordinance establishes a schedule for damages reflecting the reasonable market value, the damages allowed for grade animals or poultry shall not exceed the following amounts:

- A. For goats killed or injured, \$30.00 per head.
- B. For cattle killed or injured, \$300.00 per head.
- C. For horses or mules killed or injured, \$200.00 per head.
- D. For swine killed or injured, \$50.00 per head.
- E. For turkeys killed or injured, \$5.00 per head.
- F. For sheep killed or injured, \$30.00 per head.
- G. For all poultry, other than turkeys, \$1.00 per head

The maximum amounts hereinabove set forth may be increased fifty percent (50%) for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient money in the portion of the fund set aside as provided in Section 7 of the Illinois Animal Control Act to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.

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

5.20 Payment to owner of domestic animals no bar to action for damages - Repayment to Animal Control Fund. The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or

injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog/animal committing such injury or causing such loss for the recovery of damages therefore. The court or jury, before which such action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff for the use of the County, for the amount which the plaintiff has received on account of such damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages by the County Treasurer, then the judgment shall be entered as aforesaid, for the use of the Animal Control Fund, for the full amount of such recovery. Writs of execution issued upon such judgment shall show on their face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

5.21 Dogs or Other Animals - Public Beaches. No person shall permit a dog or other animal to enter upon a public beach at any time. Any dog or other animal found using or upon a public beach within McHenry County, Illinois, shall be declared a public nuisance.

## Section 6

### Biting Animals

6.01 Biting Dogs or Cats or other Animals. It is unlawful for any person having direct knowledge that any person has been bitten, scratched, or otherwise injured by a dog, cat or other animal to refuse to notify the Administrator promptly. 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 authorized representative. It is unlawful for the owner of such dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator or his authorized representative, delivering or mailing such instruction is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this Section or Section 5.14 shall be borne by the owner. For the purpose of this Section, the word "immediately" means telephone, in person, or by other than use of mail.

6.02 Rabies Observation Period. The owner of any dog or other animal upon being notified that such dog or other animal has bitten or scratched any person shall cause such dog or other animal to be immediately taken to a place where confinement shall be under the observation of a licensed Veterinarian for a period of 10 days.

The Department may permit the observation period to be reduced to less than 10 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 6 months, or for the life of the animal.
3. A physician indicates in writing that post-exposure antirabies treatments may endanger the life of the person bitten.
4. Written permission is obtained from the owner of the biting animal.
5. The animal is deemed to be a stray by the Administrator.

When such animal is confined for a period of less than 10 days, it shall be euthanized at the end of the confinement period and the brain submitted directly 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.

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

6.04 Impoundment - Biting Dog/Animal.

A. When the administrator received information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed Veterinarian for a

period of 10 days. The Department may, by regulation, permit such confinement to be reduced to a period of less than 10 days. Such 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 such dog or other animal, on appropriate forms approved by the Department. The Administrator shall notify the attending physician or responsible Health Agency. At the end of the confinement period, the Veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the Department. When evidence is presented that such 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 10 days, if the Administrator, or other licensed Veterinarian, adjudges such confinement satisfactory. The Department may, by regulation, permit such confinement to be reduced to a period of less than 10 day. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or other licensed Veterinarian. It is unlawful 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. Physician Verification. It is within the scope of this Article that the Rabies Inspector may request verification of the bite by a physician.

C. Inoculated Biting Animal. When the Administrator is presented with evidence that a biting dog, cat or other animal has been

currently inoculated with an approved vaccine for which certification is evident, such animal may be confined on the premises of the owner and away from the Public for 10 days so as to preclude another bite accident. The method of confinement may be designated by the Administrator. During the 10 day observation the confined animal shall be examined by a licensed Veterinarian on the first and 10th day of the period. The first examination shall be within 24 hours of the bite. Failure to provide proper confinement facilities will be sufficient reason for the Rabies Inspector to direct impoundment in a facility under the direct supervision of a licensed veterinarian.

D. Unvaccinated dogs, or other animals. Dogs, or other animal which are not vaccinated as prescribed in Section 5 shall be confined at a Veterinary Hospital, pound or humane organization facility under close supervision of a licensed Veterinarian.

E. Non-compliance with Section 5.04C. Failure to return a biting animal under home observation to a Veterinarian for examination will constitute a violation of this Article. Each day of non-compliance will constitute a separate offense.

F. Ill or Wounded Animals under Rabies Observation. Animals too ill or critically injured to survive the ten (10) day observation period may at the discretion of the Administrator be euthanized and the head sent to the official laboratory for rabies examination. This procedure will be paid for by the owner. Death of an animal that has bitten a person within the ten day observation period or confinement period shall be immediately reported to the Administrator and to the victim's physician.

G. Face Bites. The Administrator may direct an owner whose animal has bitten a person on the head to have such animal confined in a Veterinary Hospital, pound or humane organization facility for

a period of ten (10) days whether or not such animal has been vaccinated against rabies as prescribed in Section 5.

H. Unlawful to sell, give away or kill a biting animal. It is a violation of this Article for an owner or his agent to sell, kill or give away or otherwise dispose of any animal that is known to have bitten a person within a ten (10) day period of a bite unless it is released by the Administrator or his authorized agent.

I. Family Member Bitten. When an animal has bitten someone in the owner's immediate family residing at the same address, that owner has the responsibility of having his animal examined on the first and tenth day of the 10 day period. The first examination shall be within 24 hours of the bite. It shall be a violation of this Article for an owner of such an animal not to comply with the written or printed recommendations made by the Administrator in any particular case. The written or printed recommendation shall, if possible be delivered in person by the Administrator or his properly authorized agent, Sheriff, or Municipal Police Officers. If such recommendations cannot be delivered in person, they shall be mailed by regular mail postage pre-paid, and addressed to the owner of said animal.

J. Impoundment. It shall be the duty of every officer to impound any dog, cat or other animal which may be impounded pursuant to this Article. The pound keeper or other person responsible for the impoundment shall notify the owner of the impounded animal as soon as possible and release such animal after all violations of this Article are corrected.

K. Removal from Quarantine. No person shall remove any place of observation or quarantine any animal which has been isolated as authorized and provided for by the Administrator without the consent of the Administrator or his Deputies or Investigators. Violation of

the quarantine or isolation orders of the Administrator is a misdemeanor punishable by a fine.

## Section 7

### RABIES - RABIES VACCINATION

7.01 Every owner of a dog four months or more of age, within the County of McHenry, Illinois, shall cause such dog to be inoculated by a licensed Veterinarian with a prophylactic vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture to prevent rabies, and rabies vaccine currently licensed by the above named agencies will be recognized in the Illinois and McHenry County for either one year or for a three year immunization period.

A. Three-Year Immunity. Low egg passage chick embryo, origin modified live virus Flury Strain rabies vaccine (safe for dogs only) will be recognized for three years, provided that the dog is at least one year of age at time of vaccination. If dogs under one year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one year.

B. One-Year Immunity. All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for one-year immunization period.

C. New Vaccines. New vaccines that may be recognized by the U.S. Department of Agriculture will be implemented and the immunity will be recognized for the specific period.

D. Cats will be Immunized. Cats will be immunized with vaccines specifically recognized for use in cats, as may be recognized by the United States Department of Agriculture.

7.02 Grace Period. This Article provides thirty (30) days for a dog owner to procure vaccination of his dog after the dog reaches the age of four months. Thirty (30) days are permitted for an owner to secure revaccination of his dog after the previous vaccination time has lapsed.

7.03 Rabies 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.

7.04 Exposed Animals. Whenever a dog or other animal which has rabies and which has bitten another dog or other domesticated animal, the owner shall cause such bitten animal to be quarantined. Immediate euthanization of the bitten animal is recommended. If humane destruction is not permitted by the owner and such animal is a dog or cat with a current rabies vaccination, it shall be revaccinated and strictly quarantined for thirty (30) days. Unvaccinated dogs or other animals shall not be vaccinated, but shall be quarantined under strict isolation for a six (6) month period. The cost of keeping and quarantining such dog or animal shall be borne by the owner. The quarantined animal, if such animals are dogs or cats and if healthy shall be vaccinated at the end of the six (6) month period.

7.05 Rabid Dogs/Cat or other animal Disposal. The Health Authority or his designated representative shall dispose of any dog or other animal infected with rabies and shall have the authority to examine and impound any animal bitten by or exposed to any other animal infected with rabies. He shall have the authority to require the owners of such dogs, cats or other animals to take necessary measures to prevent the spread of rabies and to dispose of any exposed animal when such measures are not taken by the owners.

7.06 Destruction of Animals Report. Any person destroying an animal infected with rabies or suspected of being infected with rabies shall immediately notify the McHenry County Department of Health and shall surrender the carcass of such animal upon demand. The owner or custodian of such destroyed animal, shall provide the Health Department with full particulars thereof, including time date, location, the names and addresses of any person bitten by such animal, and also, the name and address of the owner or person having custody of any animal(s) exposed to the destroyed animal.

7.07 Dog or Cat Quarantine. Whenever the number of dangerous dogs or cats suffering from rabies, or dogs and cats running at large within the County of McHenry, Illinois, shall be such as to endanger the public health, public safety or general welfare, the Administrator, upon the recommendation of the Chairman of the Board of McHenry County, shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the Chairman containing such declaration shall be published at least once in a newspaper of general circulation in the County of McHenry, Illinois. After the first publication of such proclamation by the Chairman, it shall be unlawful for the owner of custodian of any dog or cat to permit such dog or cat to be at large contrary to the terms of such proclamation. The Department may order:

- A. That all dogs or other animals in the locality be:
  - 1. Kept confined within an enclosure.
  - 2. Kept muzzled and restrained by leash.
- B. That all owners or keepers of dogs or other animals take prophylactic measures as deemed necessary to prevent the spread of rabies.

C. Other measures as may be necessary to control the spread of rabies.

The Department may determine the area of the locality in which, the period of time during which, such orders shall be effective.

The Health Authority, during the first week after the quarantine order is issued shall take proper measures to inform the citizens of McHenry County of the quarantine order and of the penalties attached to the violation of the order. The quarantine order shall apply to all dogs and or cats whether vaccinated and registered according to the provisions of this Article or not, and shall be confined in the home of the owner of the animal or be under direct control of a competent person, not less than fifteen (15) years of age.

Any dog or other animal subject to such quarantine found uncontrolled shall be impounded. Dogs and other animals subject to rabies which are impossible to capture or impound after the exercise of reasonable efforts and diligence, shall be destroyed if the Health Authority so designates.

7.08 Animal with 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 such dog or other animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such 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.

Any owner who suspects that a dog, cat or other animal died from rabies shall immediately report such fact to the Administrator.

7.09 Dogs or Cats bitten by other Dogs or Cats or Other Animals. The owner of any dog or cat which shall have been bitten by another dog or cat shall immediately inform the Rabies Inspector, giving the name and address of the owner of such dog or cat and the dog or cat identification number.

## Section 8

### EXOTIC ANIMALS - WILDLIFE

8.01 Exotic Animal. No person shall own, or keep in their custody any exotic animals including poisonous reptiles, lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canadian lynx, bobcat, jaguardundis, hyenas, artic fox, bears, prairie dogs, caymans, alligators, camel, elk, ostrich, cervidae and non poisonous snakes that exceed 6 feet in length, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge.

8.02 Domestication No Defense. It is no defense to a violation of this Article that the keeper of any animal or poisonous reptile which is prohibited by Section 3.01 of this Article has attempted to domesticate such animal or poisonous reptile.

8.03 Wildlife Domestication. No person shall keep or permit to be kept or domesticate any wildlife contrary to Federal, State and local Laws, and Regulations.

8.04 Indigenous Wildlife. No person shall be permitted to own, or keep in their custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading them as pets, irrespective of holding a fur-bearing mammal permit from the Illinois Department of Conservation. Fur-bearing farms are exempt from this

requirement provided that the operation meets the requirement of this section.

8.05 Wildlife Crosses. No person shall own or keep in their custody any wildlife cross such as coydogs, wolf dogs or any wildlife cross, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital.

8.06 Rabies Vaccination of Wildlife. It is unlawful to vaccinate any wildlife against rabies. Rabies vaccines have not been field tested in wildlife and have no proven efficacy.

## Section 9

### FARM ANIMALS

9.01 Farm Animals in Estate Areas. No person shall keep or cause to be kept domestic animals and fowl or farm animals other than household pets including animals or fowl ordinarily permitted in the house or kept for company or pleasure, such as dogs, cats, canaries, rabbits, mice, and the like unless such person has met the following requirements.:

- A. Has met all applicable requirements of the McHenry County Zoning Ordinance, rules and regulations.
- B. Has met all applicable requirements of Article IX and Article X of the McHenry County Public Health Ordinance.
- C. Has provided adequate shelter and area adequate enough to affect normal good husbandry practices so as to preclude public health nuisance and/or cruelty to animals.
- D. Has provided fences, pens, shelters, corrals or similar enclosures of sufficient height and strength to retain the animals on their own premises.

- E. The stable or shelter shall be at least 50 feet from any adjoining residential dwelling, provided that: Use of a structure, existing at the time of the adoption or amendment of this Ordinance may be continued. If such use is discontinued or terminated for a period of twelve (12) months, any future use of the structure shall conform to the provisions of this Ordinance. Existing structures which comply with this provision at the time of the adoption of this Ordinance shall not be affected by an addition of an adjoining residence built within fifty (50) feet of a stable or shelter.
- F. The following minimum lateral distances shall apply in relationship of contamination to any well.

Sources of Contamination	Minimum Lateral Distances	Recommended Minimum Distance for Highly Pervious Gravel Formation
Manure Piles	75 Feet	200 Feet
Farm Silo	25 Feet	100 Feet
Barnyard	50 Feet	100 Feet
Stables or Shelters	50 Feet	100 Feet

- G. Persons owning farm animals in permitted Estate areas shall provide proper facilities for manure storage and disposal, sufficient to prevent offensive odors, fly breeding and other public health nuisances, provided that: Owners of

domestic animals or farm animals who have adequate pasture so that naturally deposited manure does not cause a public health nuisance or hazard, shall not be required to meet this provision.

H. Roofed shelters shall be structured to prevent run-off from draining into the shelter.

I. Enclosures shall be provided with secure latches.

J. No person shall keep domestic or farm animals in an Estate area whose husbandry or sanitation practices create a public health nuisance and/or cause cruel treatment of animals.

K. It shall be unlawful for any animal of the species of horses, pony, burro, donkey, mule, cattle, sheep, goat, swine or geese or other animals to run at large in McHenry County.

## Section 10

### CRUELTY TO ANIMALS

10.01 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, tormenting, mutilating, or starving or overworking either his own or another person's animal.

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

A. Sufficient quantity of good quality, wholesome, food and water.

B. Shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary

constituents of its own body. Adequate shelter that minimizes the potential for overheating.

C. Veterinary care when needed to prevent suffering.

D. Humane care and treatment.

10.03 Abandonment. No person shall knowingly abandon any animal whether healthy, old, maimed, infirm, sick or disabled on their own property without daily care or by abandonment off the owner's premises where it may suffer injury, hunger, or exposure, or become a public charge.

10.03.5 Impoundment of abused/neglected animals.

(a) In the event that the Administrator finds a domestic animal to be a victim of cruelty, neglect, or abandonment as defined in sections 10.01, 10.02 and 10.03 and the owner has failed or refused to take corrective action to come into compliance with these sections within 48 hours of written notification of the violation(s) , the Administrator shall have the right to forthwith remove or cause to have removed any such animal to a safe place for care or to euthanize such animal when necessary to prevent further suffering, all at the owner's expense.

(b) Emergency impoundment may be exercised in an immediate life-threatening situation and the subject animal(s) shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian.

(c) A notice of impoundment shall be given by the Administrator to the violator, if known, in person or sent by certified or registered mail. The notice of impoundment shall include the following:

(1) Listing of deficiencies noted.

2) An accurate description of the animal or animals involved.

(3) Date on which the animal or animals were impounded.

(4) Signature of the investigator.

(5) A statement that: The violator may request an appeal to the impoundment pursuant to McHenry County Health Ordinance, Article I, Section 3 within 7 business days after impoundment of the animal(s).

(d) Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred and for any accrued charges

(e) If the impoundment is not appealed, within 7 business days of the impoundment, the animal or animals are forfeited and the Administrator may lawfully and without liability provide for adoption of the animal(s) or it/they may be humanely euthanized. The person who forfeited the animal(s) or a person dwelling in the same household as the person who forfeited the animals(s) may not adopt.

(f) No matter what the disposition of the animal(s) in the appeal, the owner is subject to and responsible for any and all violations which may ensue.

10.04 Handling in a Cruel Manner. No person shall drive, ride or keep or cause to be driven, ridden, or kept, any animal in an unnecessarily cruel manner. A short lead which does not permit the animal reasonable freedom to move shall be deemed inhumane treatment of that animal.

10.05 Poisoning. No person shall knowingly or with malicious intent set out poison(s) or cause to be poisoned any dog, cat or domestic animal except by expressed permit from the Illinois Department of Agriculture and written approval from the McHenry County Department of Health.

10.06 Artificial Colored Baby Chicks or other Fowl. No person shall sell, offer for sale, barter, or give away living baby chicks, ducklings, other fowl or rabbits as pets or novelties when such fowl or rabbits have been dyed, colored or otherwise treated to impart an artificial color to them.

10.07 Chicks or Ducklings as Novelties or Pets. Baby chicks, or ducklings shall not be sold, offered for sale, bartered or given away as pets or novelties.

10.08 Fighting or Baiting Animals. No person may own, operate, manage, maintain, charge admission to or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

10.09 Compliance with State Laws. No person shall be permitted to keep animals in violation of the "Illinois Humane Care for Animals Act: or the Illinois Animal Welfare Act."

10.10 Cruelty to Horses. No person shall sell, offer to sell, lead, ride, transport or drive on any public way any horse which because of debility, disease, lameness, or any other cause, could not be worked in the State of Illinois without violating the Illinois "Humane Care

for Animals Act". Such a horse may be conveyed to a proper place for medical or surgical treatment or for humane keeping or euthanasia.

10.11 No person shall give or use any live animal as a prize 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.

10.12 No person shall hold a greased pig contest.

## Section 11

### PENALTIES

11.01 Any person violating or aiding in or abetting the violation of any provision of this Ordinance or counterfeiting or forging any certificate or tag making any misrepresentation in regard to any matter prescribed by this Ordinance or resisting, obstructing or impeding the Health Authority or their designated agents in enforcing this Ordinance, shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for a first and second offense, and for a third and subsequent offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each occurrence of failure to comply constitutes a separate offense.

As an alternative remedy to any other remedy which may be available to the Department in this Ordinance or in any State Statute, the Department may issue a ticket in those instances where any person violates or aids in or abets the violations or any provision of this Ordinance. The said ticket gives the person who violates this Ordinance the option of appearing in court on a specified date for trial or paying the fine of twenty-five dollars (\$25.00) per offense. Second and subsequent offenses, fines are doubled.

## Section 12

12.01 Partial Invalidity. If any provisions of this Ordinance or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end the provisions of this Ordinance are declared to be severable.

## Section 13

### Responsibilities

The Administrator for Animal Control or his duly authorized representatives or anyone enforcing the provisions of this Ordinance shall not be held unreasonably responsible for any accident or disease that may happen to any dog, or other animal which may occur while in pursuit of any dog or other animal.