CASS COUNTY, ILLINOIS

ANIMAL CONTROL ORDINANCE
ORDINANCE NO. 2026-

AN ORDINANCE ADOPTED BY THE COUNTY OF CASS REGULATING THE ANIMAL CONTROL PROGRAM

ARTICLE 1: GENERAL MATTERS

1.1 **PURPOSE OF ANIMAL CONTROL.** The purpose of the Animal Control Program is as follows:

(A) To protect the public health and safety:

(1) From rabies in accordance with the Animal Control Act.

(2) From potentially dangerous, dangerous, and vicious dogs.

(3) By educating the public about state and local ordinances.

(4) By controlling and impounding stray animals within its jurisdiction.

(5) By enforcing state statutes, county ordinances, and municipal codes.

(B) To promote the welfare of animals:

(1) By adhering to the Illinois Humane Care for Animals Act.

(2) By educating the public about responsible pet ownership.

(3) By the humane care and maintenance of impounded animals.

(4) By following up on pets which were adopted from the shelter.

1.2 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions.

"Animal" means every living creature, other than man, which may be affected by rabies.

"Animal Control Fund" means the account administered by the county treasurer for the purpose of paying the cost of operating Animal Control Program.

"Animal Control Warden" means any person appointed by the Administrator to perform the duties set forth in this Ordinance.

"Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims.

"Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

"Dangerous dog" means 1) any individual dog anywhere other than upon the property of the owner or custodian of the dog which is 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 or 2) a dog that, without justification, bites a person and does not cause serious physical injury.

"Department" means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

"Dog" means all members of the family Canidae.

"Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked.

"Has been bitten" means has been seized with teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced such that contact of saliva with any break or abrasion of the skin of the person or animal seized occurs.

"Leash" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

"Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care or acts as its custodian, or who knowingly permits a dog to remain on any premises that person occupies.

"Person" means any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

"Potentially dangerous dog" means a dog that is unsupervised and found running at large with three or more other dogs.

"Pound" means any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

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

"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.

ARTICLE 2: ANIMAL CONTROL

2.1 ADMINISTRATOR- ANIMAL CONTROL WARDENS.

(A) Appointment. The County Animal Control Board shall, appoint an Administrator as necessary to keep the position filled at all times. The Administrator's salary and expenses shall be set annually by the Board and incorporated into the annual budget. The Administrator may appoint as many Animal Control Wardens as necessary to aid in carrying out the Administrator's duties outlined in subsection (B), below, with the advice and consent of the Board. The Board may remove the Administrator or any Animal Control Warden from office for cause.

(B) Duties. The Administrator shall have the following duties:

(1) Supervise the County Animal Control Program and make such reports as are required by the Director of the Department of Agriculture of the State of Illinois.

(2) To control and prevent the spread of rabies and to exercise dog population control through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary.

(3) To investigate and substantiate all claims made under this Ordinance.

(4) Provide consultation and emergency care for unknown stray animals in the custody of the Department.

(5) Recommend changes in animal control policies to the Board.

(6) To accomplish, to the best of his/her ability, the purpose and goals of the Animal Control Program as listed in Article 1.1 of this Ordinance.

(C) POWERS OF ANIMAL CONTROL WARDENS

(1) For the purpose of enforcing this Ordinance and the Animal Control Act of the State of Illinois, Animal Control Wardens within the County are peace officers in the enforcement of the provisions of this Ordinance.

(2) Animal Control Wardens are empowered to issue and serve citations and orders, to execute and serve all warrants and processes issued by any circuit court.

(3) Animal Control Wardens are prohibited from carrying or in any way possessing a firearm on their person.

2.2 **INSPECTIONS.** For the purpose of making inspections under this Ordinance or the Animal Control Act of Illinois, the Administrator, his/her authorized representative, any Animal Control Warden, or any other law enforcement officer may enter upon private premises, provided, however, that entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after request thereof, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance and the Animal Control Act of Illinois.

2.3 **CITATIONS.** Animal Control Wardens of the county may issue citations to the owners of animals for violations of any provision of this ordinance in lieu of impounding the animal. When such a citation is issued, a court appearance date of not less than 10 days, or more than 45 days shall be entered by the warden onto the citation. The owner who is receiving the citation may plead guilty to the offense charged on the citation prior to the court date by paying a fine of $50 plus court costs for the first offense or $150 plus court costs for the second and/or succeeding offense(s) to the Circuit Clerk of Cass County.

2.4 **ENFORCEMENT OFFICERS NOT RESPONSIBLE FOR ACCIDENT OR DISEASE TO ANY DOG.** The Administrator, Animal Control Wardens or anyone enforcing the provisions of this article shall not be held responsible for any accident, disease, or death that may happen to any dog.

2.5 **INTERFERENCE WITH ANIMAL CONTROL PERSONNEL.** It shall be unlawful for any person to obstruct, impede or interfere with the Administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or attempt to prevent the Administrator or any of his/her delegates or the police from capturing or impounding any animal within the county.

2.6 **RESPONSIBILITIES OF THE BOARD.** The Board shall set salaries for the Administrator and all Animal Control Wardens each year, and shall incorporate those salaries into the annual budget. The Board shall, at the request of the Administrator and with approval of the Board, provide necessary personnel, training, equipment, supplies, and facilities for the Administrator and Animal Control Wardens.

ARTICLE 3: RABIES CONTROL

3.1 **INOCULATION OF DOGS.**

(A) Inoculation Required. Every owner of a dog four or more months of age shall cause such dog to be inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. New state residents owning or keeping a dog four or more months of age shall register the dog within 30 days after establishing residence in the County. The rabies vaccine used shall be licensed by the United States Department of Agriculture and approved by the Department.

(B) Inoculation Certificates. Evidence of such rabies inoculation shall be entered on a certificate, the form of which shall be approved by the Board, provided to licensed veterinarians by the Administrator. Only one animal shall be included on each certificate. The original of the inoculation certificate shall be provided to the owner of the inoculated animal, and a copy shall be provided to the Administrator. The inoculating veterinarian shall retain a copy while the certificate is valid.

(C) Inoculation Tags. Licensed veterinarians shall procure from the County Department of Animal Control serially numbered inoculation tags, one to be issued along with each inoculation certificate to the owner of all inoculated animal. The fees for one-year and three-year tags shall be established by the Board. The rabies inoculation registration tag must be purchased within thirty (30) days from the date of the rabies vaccination or the registration fee will be doubled. Such inoculation tag fees shall be paid to the County Treasurer and added to the Animal Control Fund. Inoculation tags shall be attached to the collar or harness worn by the animal for which the tag was issued whenever the animal is off the property of the owner. Any animal owner in violation of this provision shall be fined $50.00. However, a warning shall be issued on the first offense if the animal has been spayed or neutered, inoculated against rabies, and registered within Cass County.

(D) Failure to Inoculate. Any dog owner who fails to have an animal inoculated shall be issued a written warning giving them seven days to have the animal inoculated. If the owner does not comply, a $50.00 fine shall be assessed and the dog shall be impounded.

3.2 **CONFINEMENT AND OBSERVATION OF BITING ANIMALS**.

(A) Duty to Report Animal Bites. Any person knowing that an individual has been bitten by an animal shall notify the Administrator or County Department of Animal Control within 24 hours after the biting incident.

(B) Confinement and Veterinarian Observation. When the Administrator receives information that any person has been bitten by an animal, the Administrator shall have the biting animal confined under observation of a licensed veterinarian or at the Cass County Animal Control for a period of ten days beginning within 24 hours of the biting incident.

(1) The Administrator or representative shall attempt to determine ownership of the biting animal and, when possible, have such animal quarantined at the owner's preferred veterinarian or Cass County Animal Control. If ownership cannot be determined or quarantine at the desired veterinarian is impossible then the animal will be quarantined at the Cass County Animal Control.

(2) If the owner of the biting animal has proof of current rabies inoculation, the animal must be examined within 24 hours of the bite, but at the discretion of the examining veterinarian, the animal may be confined in a totally enclosed area away from the public or other animals at the owner's home. The confinement period is still ten days in such cases.

(3) The owner of any quarantine animal shall be given written notice of their responsibility for all quarantine costs and that the animal shall be humanely euthanized at the end of the quarantined time if the animal is not redeemed with payment in full.

(C) The observing veterinarian shall submit confirmation of the biting animal's health to the Administrator within 24 hours after both the initial and final examinations on forms approved by the Department.

(D) When an animal confined for biting shows signs of rabies or acts in a manner that would lead a person to believe the animal may have rabies, the Animal Control Warden or veterinarian observing such behavior shall immediately notify the Administrator, who shall in turn notify the bite victim's attending physician.

(E) This Section shall not apply to police dogs.

3.3 **DUTIES OF OWNERS OF BITING ANIMALS**. A person having knowledge that his/her dog or cat has bitten any person shall notify the Administrator, the County Department of Animal Control, or the Cass County Sheriff's Office within 24 hours after the biting incident. It is unlawful for an owner to euthanize, sell, give away, or otherwise dispose of the biting animal until it has been observed and released by the Administrator in

accordance with Section 3.2 of this Ordinance. The owner of a biting animal shall comply with the reasonable written or printed instructions of the Administrator or his authorized agent regarding the animal. Regardless of the disposition of the animal after the observation period has elapsed, the owner of a biting animal must remit, within 30 days of receiving notice, a $25.00 public safety fine to the County Treasurer for deposit in the Animal Control Fund.

ARTICLE 4: DANGEROUS AND VICIOUS DOGS

4.1 **DANGEROUS DOGS.**

(A) Determination. An Animal Control Warden or other law enforcement agent may ask the Administrator, his/her designee, or the Director to deem a dog to be "dangerous" only after a thorough investigation has been conducted. Such investigation shall include the following: 1) sending, within 10 business days of the Administrator or Director becoming aware of the alleged infraction, to the dog's owner notifications which state the alleged infractions and the fact of the initiation of an investigation, and afford the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; 2) gathering of any medical or veterinary evidence; 3) interviewing witnesses; and 4) making a detailed written report. No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence. The owner of a dog deemed dangerous shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process, as outlined in the Animal Control Act of Illinois, 510 ILCS 5/15.3, and this Ordinance, Section 4.1 (F), below.

(B) Justified Conduct. A dog shall not be declared dangerous if the Administrator, his/her designee, or the Director determines that 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 was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) The threatened person was 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) Penalty. If deemed dangerous, the Administrator, his/her designee, or the Director shall order: 1) the dog's owner to pay a $100 public safety fine, to be deposited into the Animal Control Control Fund; 2) the dog to be spayed or neutered and micro chipped within 14 days at the owner's expense; and 3) either or both 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.

(2) Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

In addition, the Administrator may order a dangerous dog to be muzzled 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, whenever it is on public premises.

(D) Exempt Dogs. 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, however, that an attack or injury to a person occurs while the dog is performing its duties as expected and is currently inoculated against rabies. Owners of exempt dogs must notify the Administrator of changes of address, and in the cases of sentry and guard dogs' owners must keep the Administrator advised of the location where such dog is stationed.

(E) Animal Control Wardens have the right to impound a dangerous dog if the owner fails to comply with the requirements of this Ordinance and the Animal Control Act of Illinois.

(F) Appeal. Owners of dogs deemed dangerous may appeal the decision by filing a complaint against the Administrator or the Director.

(1) If the Administrator deemed the dog dangerous, complaint must be filed in the Cass County Circuit Court within 35 days of the owner's receipt of notification of such determination, for a de novo hearing on the determination. If the Administrator meets his/her burden of proof of a preponderance of the evidence, the court may uphold the determination that the dog is dangerous. The final order of the court may be appealed.

(2) If the Director deemed the dog dangerous, the owner may, within 14 days of the owner's receipt of notification of the determination, request an administrative hearing to appeal the determination. Such hearing and subsequent proceedings shall be in accordance with the Animal Control Act of Illinois, 510 ILCS 5/15.3 (b).

(3) 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.

4.2 **VICIOUS DOGS.**

(A) Determination. A dog may be deemed vicious only by order of the Cass County Circuit Court. In order for the court to deem a dog vicious, the Administrator or an Animal Control Warden 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. Such report must be given to the State's Attorney's Office and the owner of the dog. After the report has been made, the Administrator, State's Attorney, Director, or any citizen of Cass County may file a complaint in the circuit court in the name of the People of the State of Illinois to deem the dog to be a vicious dog. Testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove that the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the dog shall be confined during the pendency of the case. If the burden of proof has been met and the dog's conduct was not justified, as provided in Section 4.2 (B) of this Ordinance, the court shall deem the dog to be a vicious dog.

(B) Justified Conduct. A dog shall not be declared vicious if the court determines that 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 was committing a willful trespass upon the premises or property owned or occupied by the owner of the animal;

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

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

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

(C) Penalty. If deemed vicious, the court shall order: 1) the dog's owner to pay a $100 public safety fine, to be deposited into the Animal Control Fund; 2) the dog to be spayed or neutered and micro chipped within 10 days at the owner's expense; and 3) the dog to be subject to enclosure, as defined in Section 1.2 of this Ordinance. If an owner fails to comply with these requirements, the Department of Animal Control shall impound the dog and fine the owner $500 plus impoundment fees, to be deposited into the Animal Control Fund. The judge may, in his discretion, order a vicious dog to be euthanized if the above penalties are not sufficient to ensure public safety. A vicious dog may not be sold or given away by its owner or keeper without the approval of the court.

(D) Enclosure. A vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director has approved the owner's enclosure. It shall be unlawful for any person to keep or maintain a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are 1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, 2) in the case of an emergency or natural disaster threatening the dog's life, or 3) to comply with the order of a court of competent jurisdiction. Whenever out of the enclosure, a vicious dog must be securely muzzled and restrained with a leash not exceeding 6 feet in length, and must be under the direct control and supervision of its owner or keeper or muzzled within such person's residence. Any vicious dog which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or law enforcement officers. If the owner of such dog has not appealed the impoundment order to the circuit court within 15 business days, the Administrator or an Animal Control Warden may petition the court to order the dog euthanized. However, 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, written notification to the Department of Animal Control. Animal Control Wardens must inspect prior to and have authority to conduct reasonable follow up inspections to ensure compliance of said enclosure inside or outside of the residence.

(E) Failure to Enclose 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 within the time period prescribed; and 2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and 3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where

such person may lawfully be; the owner shall be subject to the penalties and remedies provided by the Illinois Animal Control, as amended, outlined in 510 ILCS 5/26.

(F) Exempt Dogs. 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, however, that an attack or injury to a person occurs while the dog is performing its duties as expected and is currently inoculated against rabies. Owners of exempt dogs must notify the Administrator of changes of address, and in the cases of sentry and guard dogs' owners must keep the Administrator advised of the location where such dog is stationed.

(G) Security Payment. If the Department of Animal Control has custody of a dog during proceedings to determine whether or not it is a vicious dog, the Administrator or an Animal Control Warden may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be accrued by the Department of Animal Control in caring and providing for the dog while the determination is pending. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been ordered, it must be posted with the Circuit Clerk within five business days after the hearing. The Department of Animal Control may draw from the security the actual expenses incurred in caring for the dog. If the ordered security is not posted in the time specified, the dog is forfeited by operation of the law and the Department of Animal Control must dispose of the animal through adoption of humane euthanizing.

(H) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

4.3 **POTENTIALLY DANGEROUS DOGS.** A dog found running at large and unsupervised with three or more other dogs may be deemed a potentially dangerous dog by an Animal Control Warden or the Administrator. Potentially dangerous dogs shall be spayed or neutered and micro chipped, all at the owner's expense, within 14 days after the dog is reclaimed. The designation of "potentially dangerous dog" shall expire 12 months after the most recent violation of this Section. Failure of an owner to comply with this Section shall result in impoundment of the dog or a fine of $500.

ARTICLE 5: IMPOUNDMENT AND REDEMPTION

5.1 **DOGS RUNNING AT LARGE.**

(A) No owner of a dog or dogs shall permit it or them to run at large in any incorporated or unincorporated areas of Cass County. Any dog found to be running at large in such an area may be apprehended and impounded. Dog owners shall keep each dog from leaving the premises occupied by the owner unless the dog is accompanied or supervised by the owner.

(1) Every owner of a dog in an unincorporated area of the county shall be required to supervise his dog and shall be responsible for the actions of his dog and shall be required to enclose the dog if it is determined to be a specific nuisance.

(2) The owner of any dog shall not leash or confine his dog in such manner that it may enter onto any premises other than that occupied by the owner, or where it may be determined a specific nuisance.

(B) This provision does not apply to:

(1) A dog being used in legal hunting activity, including training;

(2) A dog on private property where it has implied, customary, or constructive permission to be and is being monitored or supervised by its owner.

(3) A dog in a dog park and monitored or supervised by its owner.

(C) For the purposes of this ordinance only nuisance behavior observed by an Animal Control Warden, or a signed complaint alleging a specific nuisance shall be grounds for the investigation of a nuisance complaint. Resolution of such complaints shall be authorized by the Animal Control Administrator.

(D) Any person found to be in violation of this Section shall be fined a $25.00 public safety fine, which shall be deposited into the Animal Control Fund. Any dog found in violation of this Section a second or subsequent time shall be sterilized, at the owner's expense, within 30 days after being reclaimed. Failure to comply shall result in the dog's impoundment.

5.2 **ANIMAL CONSIDERED A NUISANCE**

(A) No person owning, possessing or harboring any animal within the county shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

(1) Substantially damages property other than the owners.

(2) Causes unsanitary, dangerous or unreasonably offensive conditions (this subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)

(3) Causes a disturbance by excessive barking, or other noisemaking. (This subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)

(4) Chases vehicles.

(5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.

(6) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

(B) The Administrator or Animal Control Warden or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (5) or (6) above and not restrained by a competent person.

(C) Any person found in violation of this section, except subsection (5), shall be penalized as set forth in section 6.1 herein. Any person found in violation of this subsection (5) shall pay a penalty of $50.00 for the first violation, $150.00 for the second and subsequent violations. This section requires the support of the complainant for issuance of a violation complaint.

5.3 **IMPOUNDMENT**

(A) The Animal Control Warden shall, and may, apprehend and impound the following animals:

(1) Animals which have bitten a person.

(2) Dogs four months of age or older which have not been inoculated against rabies by a licensed veterinarian.

(3) Dogs running at large in incorporated areas of the county.

(4) Dogs running at large in unincorporated areas of the county.

(5) Dogs adopted from the Cass County Animal Control which are in violation of the adoption agreement.

(B) Procedures after impoundment. All impounded animals must be scanned for a microchip. If a microchip is present, the registered owner must be notified. If the animal is not redeemed after the Department of Animal Control has contacted or attempted to contact the registered owner at the last known address, or by a

personal phone call, the animal shall be disposed of as provided in Section 5.4 (B), below.

5.4 **REDEMPTION**

(A) When the owner of any dog impounded pursuant to this ordinance decides to redeem the dog, the following procedures shall be followed:

(1) At the time of release, impoundment and board fees, at the prescribed rate, shall be added to any other cost incurred by animal control relating to said animal.

(2) The owner of said dog shall be given a form indicating their responsibilities of pet ownership.

(3) The owner's signature shall be required on the impoundment form indicating their acceptance of said responsibilities.

(B) Animals not redeemed. When an animal is not redeemed by its owner or its owner is unknown and not ascertainable, animals deemed adoptable by the Cass County Animal Control shall be put up for adoption or made available to a licensed animal shelter or rescue group. The animal control facility, a licensed animal shelter, or a rescue group may not release or adopt an impounded dog to anyone other than the owner unless the animal has been spayed or neutered and micro chipped. Failure to fulfill the terms of such an agreement shall result in seizure and impoundment of the animal and forfeiture of any monies that have been deposited. Animals not deemed adoptable shall be humanely euthanized after a period of 7 business days from the date notice was given.

ARTICLE 6: PENALTIES, LIABILITY

6.1 **PENALTIES**. Unless otherwise stated in this ordinance, any person in violation of any provision of this ordinance or counterfeiting or forging any rabies inoculation certificates shall be guilty of a petty offense and upon conviction thereof be fined an amount of $200.00.

6.2 **OWNER'S LIABILITY.** If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.

6.3 **DOGS INJURING OR KILLING OTHER ANIMALS.**

(A) Dog Owners Liable for Damage. The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any sheep, goats, cattle, horses, mules, poultry, ratites, or swine belonging to that person.

(B) Any person seeing his/her livestock, poultry, Equidae, or other owned animal being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may kill such dog.

(C) Any dog which seriously injures or kills an owned animal may be deemed a "dangerous dog" under Article 4, above, in accordance with the provisions thereof.

ARTICLE 7: ANIMAL CRUELTY

7.1 **PERSONS PROHIBITED FROM OWNING COMPANION ANIMALS.**

It shall be unlawful for any person convicted of cruel treatment, aggravated cruelty, animal torture, or depiction of animal cruelty under Sections 3.01 to 3.03-1 of the Humane Care for Animals Act, 510 ILCS 70/1 to be the owner, as defined in this Ordinance and the Animal Control Act of Illinois, of any dog, cat, or other companion animal within the County of Cass. Any animals possessed by such person shall be impounded.

ARTICLE 8: CONFLICT AND SEVERABILITY

8.1 **CONFLICT.** This ordinance shall not conflict with any rules and/or regulations of the State of Illinois Animal Control Act. Nor shall it supersede any ordinances in effect in any incorporated entity of the County of Cass, pertaining to or prohibiting the running at large of any dog or other animal.

8.2 **SEVERABILITY**. The invalidity of provision or parts of provisions of this ordinance or any rule or regulation pursuant thereto shall not affect the validity of the remainder of the ordinance.

APPROVAL AND ADOPTION

Adopted by the Cass County Board on _____, 2026.

Chairman: _____

County Clerk: _____