

## Chapter 6 - ANIMALS

### ARTICLE I. - IN GENERAL

#### Sec. 6-1. - Construction of chapter; establishment of program.

This chapter shall be liberally construed to the end that the health, safety and welfare of the people of the county may thereby be protected. This chapter, in general, establishes an animal control program to:

- (1) Protect the citizens of the county from rabies through the inoculation and registration of dogs, stray dog impoundment, animal bite investigations and other rabies control measures as may be deemed necessary;
- (2) Control dangerous and vicious dogs and other animals within the county as required by state law;
- (3) Reimburse owners of livestock damaged by dogs as required by state law;
- (4) Control the dog and cat population; and
- (5) Establish a variety of means by which population control may be financed.
- (6) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards.
- (7) Providing security to residents from annoyance, intimidation, and injury from dogs.
- (8) Encouraging responsible pet ownership;
- (9) Promoting community and consumer awareness of animal control and welfare: and
- (10) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter.

(Compiled Ords. 2013, § 7-1(1))

#### Sec. 6-2. - Definitions.

This section adopts, by reference, those definitions set forth in 510 ILCS 5/2 and the rules and regulations relating to the Animal Control Act, 520 ILCS 5/1 et seq. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the public health administrator of the county health department who shall serve as the administrator as that term is defined in the Animal Control Act, 520 ILCS 5/1 et seq.

*Establishment of animal control fund* means an animal control fund which shall be established by the county treasurer.

*Registration fee* means initial and subsequent fees charged by the county for registering an individual animal or litter.

*Stray animal* means an unowned animal that is running-at-large contrary to this Code or the provisions of the Animal Control Act, 520 ILCS 5/1 et seq.

(Compiled Ords. 2013, § 7-1(2))

Sec. 6-3. - Livestock losses.

On or before the first Monday in March of each calendar year, the county board, by ordinance, shall establish a schedule for damages reflecting the current market value of livestock, poultry, or equidae killed or injured by a dog. These damages shall be paid from the animal control fund pursuant to the Animal Control Act, 520 ILCS 5/1 et seq.

(Compiled Ords. 2013, § 7-10)

Sec. 6-4. - Abandonment of animals prohibited.

It shall be unlawful for any person to abandon any animal on their own property without daily care or to abandon an animal off the owner's premises where it may suffer injury, hunger, exposure or become a public charge.

(Compiled Ords. 2013, § 7-8)

Sec. 6-5. - Powers, penalties and responsibilities.

- (a) *Duty of administrator, police power.* It shall be the duty of the administrator, through education, registration, stray dog control, impoundment, quarantine and any other means deemed necessary and appropriate, to control and prevent the spread of rabies in the county. The administrator is, for the purpose of enforcing this chapter, clothed with the power of police officers and may issue and serve citations and orders and may carry and use a tranquilizing gun as needed for the performance of his duties.
- (b) *Indemnification of administrator.* The administrator shall not be held liable for the injury, death or illness of any dog, cat or other animal as a consequence of the enforcement of this chapter.
- (c) *Fines.* In addition to those fines imposed by the Illinois Animal Control Act, 520 ILCS 5/1 et seq. and the Illinois Public Health and Safety Animal Population Control Act, the following fines are hereby authorized and shall be levied:
  - (1) Any owner of a dog or cat four months or more of age which is not officially inoculated against rabies or registered with the county is subject to a fine of at least \$200.00. A separate offense shall be deemed committed on each day during which a violation occurs.
  - (2) Any owner of a dog found to be dangerous as pursuant to the Illinois Animal Control Act, 520 ILCS 5/1 et seq., and who permits such dog to run at large is in violation of the Illinois Animal Control Act, 520 ILCS 5/1 et seq., and subject to a fine of at least \$100.00. A separate offense shall be deemed committed on each day during which a violation occurs.
  - (3) Any owner of a dog ordered to impound such dog pursuant to this chapter who fails to abide by the impoundment order within 24 hours shall be in violation of the Illinois Animal Control Act, 520 ILCS 5/1 et seq., and this chapter and subject to a fine of at least \$100.00. A separate offense shall be deemed committed on each day said dog is not impounded.
  - (4) Any person who violates any other provisions of this chapter shall, upon conviction, be punished by a fine of not more than \$500.00 for each and every count. A separate offense shall be deemed committed on each day during which a violation occurs.
  - (5) All fines authorized by this chapter, the Illinois Animal Control Act, 520 ILCS 5/1 et seq., and the Illinois Public Health and Safety Animal Population Control Act shall be posted at the county pound and the county courthouse.

(Compiled Ords. 2013, § 7-9)

Secs. 6-6—6-28. - Reserved.

## ARTICLE II. - RABIES CONTROL

Sec. 6-29. - Inoculation.

- (a) *Inoculation required.* ~~Unless contraindicated by a licensed veterinarian,~~ Every owner, except licensed animal-impounding facilities, of a dog or cat four months or more of age ~~not confined at all times to an enclosed area~~ shall cause such dog or cat to be inoculated with a rabies vaccine by a licensed veterinarian at such intervals approved by the state department of agriculture. The rabies vaccine shall be licensed by the federal department of agriculture and approved by the state department of agriculture.
- (b) ~~Evidence of inoculation. Evidence of such contraindication or rabies inoculation shall be entered on a certificate approved by the county board and signed by the licensed veterinarian who administered the vaccine.~~ If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies inoculation requirement, however, the owner is still responsible for the tag fees. (510 ILCS 5/8) (from Ch. 8, par. 358)
- (c) *Costs borne by owner.* All costs of inoculation against rabies shall be borne by the owner of the dog or cat.
- (d) If a bite occurs from an exempt animal, the exempt animal shall be treated as an unvaccinated animal. If the animal is exempt, the animal shall be re-examined by a licensed veterinarian on no less than an annual basis and be vaccinated against rabies as soon as the animal's health permits. (510 ILCS 5/8) (from Ch. 8, par. 358)

(Compiled Ords. 2013, § 7-2)

Sec. 6-30. - Registration required.

Every owner, except shelters and animal-impounding facilities, of a dog or cat four months or more of age shall cause such dogs or cats to be registered with the county. To register a dog or cat, the owner shall either present proof of a rabies vaccination or ~~prove the dog is confined at all times in an enclosed area and, in all cases, and~~ pay a registration fee.

(Compiled Ords. 2013, § 7-3)

Sec. 6-31. - Reciprocation.

A registration certificate and/or proof of rabies inoculation issued by another county in the state will be honored until expiration if the owner has recently established residence in the county. All other new residents owning or keeping a dog or cat four months of age or older shall have the dog or cat inoculated against rabies and registered within 21 days after establishing residence in the county.

(Compiled Ords. 2013, § 7-4)

Sec. 6-32. - Fees.

- (a) *Registration fees.* Registration fees shall be as provided in forms on file in the office of the county administrator.
- (b) *Microchipping.* The microchip implantation fee shall be as provided in the county fee schedule.
- (c) *Rabies tag replacement.* Rabies tag replacement shall be made at no additional charge.
- (d) *Impoundment fees.* Impoundment fees shall be set by the operator of the county pound and shall be posted and be made available for public inspection at the county pound.

(Compiled Ords. 2013, § 7-5)

Sec. 6-33. - Animal bites.

- (a) *Notification of administrator required.* It shall be unlawful for any person knowing that an individual has been bitten by an animal to fail or refuse to notify the administrator within 24 hours.
- (b) *Impoundment of dog; exceptions.* When the administrator is notified that a person has been bitten by a dog or other animal, the administrator shall have the owner impound the animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting incident, except:
  - (1) When the animal is currently inoculated with rabies vaccine and the bite occurred below the shoulder and the animal has not reported for biting within the last 12 months, the animal may be confined by the owner and the animal's health shall be reported by a licensed veterinarian to the administrator on the first and tenth days of the observation period of rabies.
  - (2) When the animal has bitten a family member living within the same household below the shoulder, the animal may be confined by the owner and the animal's health shall be reported by a licensed veterinarian to the administrator on the first and tenth days of the observation period for rabies.
- (c) *Authority to seize and impound.* The administrator is authorized to seize and impound any animal if the owner fails to confine/impound such animal within 24 hours after receiving official notice. Impounded animals shall not be released until all costs of observation, notification and rabies inoculation have been paid by the owner. If at the end of ten days the owner fails to redeem the animal, it may be humanely dispatched.
- (d) *Notification of administrator upon signs of rabies.* When an animal impounded or confined for biting shows signs of rabies, the owner or observing veterinarian shall notify the administrator immediately of these signs.
- (e) *Disposition of animal before observation prohibited.* It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of or have inoculated against rabies an animal known to have bitten a person until it has been released from confinement for observation for rabies, except an animal may be euthanized in order to perform a laboratory examination of its brain tissue.

(Compiled Ords. 2013, § 7-6)

Sec. 6-34. - Other rabies control measures.

- (a) It shall be unlawful for the owner of any animal or any veterinarian examining an animal which shows sign of rabies to fail to notify the administrator within one hour.
- (b) Upon determination by the administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal may be required by the administrator to confine or to surrender the animal to the administrator or a licensed veterinarian for impoundment or examination for a period of time as determined by the state department of agriculture. The owner of the animal shall be responsible for all veterinary services and, in the case of rabies testing, all related expenses due to shipping and laboratory testing.
- (c) Animals exposed to animals with rabies capable of transmitting the disease may be confined, impounded or euthanized as ordered by the administrator.

(Compiled Ords. 2013, § 7-7)

## **ARTICLE III -Companion Animal Hoarding.**

### **6-35 - Hoarding**

For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this section:

"Adequate care" shall include but not be limited to medical treatment for illness, injury, disease, excessive parasitism, or any malformations.

"Adequate food" means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices.

"Adequate shelter" means a structure or enclosure which provides an animal with protection from the elements (weather), which structure or enclosure must have a roof, floor and three sides, and be of sufficient size as to allow each animal to stand up, lie down and turn around in a natural position.

"Adequate water" means fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed twenty-four hours at any interval. The animal must have access to the water.

"Companion animal" means domesticated animals kept in or near the household for the primary purpose of companionship for member(s) the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, invertebrates and species that a reasonable person would consider to be a pet.

"Person" means any individual, firm, partnership or corporation, or authorized agent or representative of a person, partnership or corporation.

(b) No person may possess, lodge, or maintain over eight companion animals if such a person displays a general disregard for the conditions under which the animals are living, including, but not limited to, failing to provide all of the following to all of the companion animals in his care: adequate food, water, shelter, and care.

(c) Any person possessing over 8 or more companion animals within their household must notify Whiteside County Animal Control.

(d) Upon conviction for companion animal hoarding, the court may order the person to do any or all of the following:

- (1) Be precluded from owning, harboring, or having custody or control of companion animals for a period of time that the court deems reasonable.
- (2) Participate in available animal cruelty prevention program(s) or educational program(s), or both.
- (3) Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
- (4) Forfeit to Whiteside County Animal Control animals that are the basis of conviction.
- (5) Sterilize the companion animals, with sterilization being mandatory upon a second violation.
- (6) Pay appropriate fees and fines.

Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00) .

## **ARTICLE IV- BREEDERS AND FOSTERS**

### **6-36 Breeding and Foster license**

For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this section:

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter.

"Department" means Whiteside County Animal Control.

"Person" means any individual, firm, partnership or corporation, or authorized agent or representative of a person, partnership or corporation.

"Backyard breeders" means any person, except for someone having a valid dog dealer license pursuant to (225 ILCS 605/3) (from Ch. 8, par. 303), who, for pay or other compensation, breeds a female dog or any other animal producing 3 or more litters within a 12-month period.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation two or more litters within a 12-month period.

(a) It shall be unlawful for any person, backyard breeder or dog dealer who: Sell dogs, puppies, or breed a dog, offer a dog for breeding or stud purposes to do so without a breeding permit issued by the department.

(1) In order to receive a Breeder Permit, residents must complete a Breeder Permit Application.

(2) The Breeder Application must be approved, and a permit issued by Whiteside County Animal Control BEFORE anyone can breed a dog. Once the Breeder Application is submitted, Whiteside County Animal Control will review it and, if approved, a Breeder Permit will be mailed to the applicant after 30 days. The Breeder Permit is good for one year from the date of issue and must be renewed annually. The permit is not transferable to another person. A \$100 annual fee must be paid in order to receive the permit.

(b) It shall be unlawful for any person to operate as a Foster Home within Whiteside County without possessing the proper licenses pursuant to (225 ILCS 605/3.2) of the Animal Welfare Act.

Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00).

## **ARTICLE V- HUMANE CARE**

### **6-37 HUMANE CARE AND TREATMENT**

(a) It shall be unlawful for any person to abuse or neglect or in any way treat inhumanely any animal within Whiteside County.

(b) This Whiteside County Animal Control Ordinance shall cause all persons within Whiteside County to abide by the Humane Care for Animals Act as established in 510 ILCS 70/1 et seq.

(c) Cruel Treatment. No person shall cruelly treat any animal as established under Illinois Humane Care for Animals Act; this shall include the prohibition of persons to crop any animal's ears, dock an animal's tail, or perform any similar surgeries except by a licensed veterinarian. 510 ILCS 70/3.01 & 3.03.

(d) No owner or person shall confine any animal in a motor vehicle or enclosed trailer, kennel, dog house, or any type of container or structure used for confinement in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department Investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

(e) No person driving a motor vehicle shall transport any animal in the back of the vehicle or any load on the vehicle unless the space is enclosed or has side and tail racks to the height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by secured container or cage in the manner which will prevent animal from being thrown, falling or jumping from the vehicle.

(f) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).

(g) No person shall abandon any animal on any public or private property or roadway within Whiteside County. 510 ILCS 70/3.01.

(h) Any person striking, injuring, or killing any dog, cat or domestic animal with a vehicle shall render assistance when possible and/or notify the owner, police or an Animal Control Officer.

(i) Owner's duties as listed in the Illinois State Humane Care for Animals Act (510 ILCS 70/3) and as pertains to the Whiteside County Animal Control Ordinance, under "adequate shelter and protection for weather" shall include:

(1) PROPER SHELTER. Shall be defined as protection from weather for a dog or cat as a moisture proof building, with dry floor, free from feces, and adequate clean bedding material

(2) SUFFICIENT ROOM. A pen or kennel shall be of sufficient room to provide adequate exercise. Cable, lead line, tie line or any line used to secure animal in yard or pen shall be of sufficient length and placement to provide tangle free exercise.

(3) Shelter from SUNLIGHT. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals/pets kept outdoors to protect themselves from the direct rays of the sun.

(4) Shelter from RAIN or SNOW. Animals/pets kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(5) Shelter from COLD WEATHER. Shelter shall be provided for all animals/pets kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the animal/pet species concerned.

(6) Shelter from EXTREME HEAT OR COLD. Shelter that is provided in an enclosed area such as enclosed porch or vehicle, shall not cause danger, distress or discomfort to the animal.

(7) DRAINAGE. A suitable method shall be provided to rapidly eliminate excess water to prevent a damp, wet or muddy environment.

(8) No dog may be left outdoors in the case of extreme weather conditions, including when a heat advisory, a wind chill warning, thunderstorm warning, or tornado warning has been issued by local, state, or national authority.

(j) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.

(k) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.

Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00) . For the first offense, a warning citation may be issued.

#### **6-38 EXCESSIVE OR HABITUAL VIOLATIONS**

(a) When a pet owner has three (3) or more violations of the same type or violations in combination, regarding one or more pets, the Administrator may have one or more such pets removed from an owner or custodian and place for adoption or otherwise dispose of such animals in a humane manner.

(b) When the violation is regarding inhumane treatment of animals, the Administrator may deem the owner unfit and ban from owning or having pets in his/her care for a set period of time. After that time has elapsed, he/she will again be allowed to own or care for animals after a thorough investigation by an Animal Control Officer or State Humane Investigator.

(c) When an owner has been banned from owning or having animals in his/her care; information shall be provided to all other Animal Control Officers, shelters, and Humane Investigators.

(d) An owner/custodian may appeal a decision pursuant to Section 6-38 of this ordinance, to the Administrator of Whiteside County Animal Control or his or her designee.



## ARTICLE VI- STRAYING ANIMALS

### 6-39 NOTIFICATION BY PERSONS FINDING COMPANION ANIMALS.

For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this section:

"Person" means any individual, firm, partnership or corporation, or authorized agent or representative of a person, partnership or corporation.

"Dog" means all members of the family Canidae.

"Stray dog" means any dog that is in a public place and not under the charge of a keeper and has no indication of ownership such as a collar, county registration tag, name tag, microchip, or any other identifiers.

"Straying dog" means any dog that is in a public place and not under the charge of a keeper and has indication of ownership such as a collar, county registration tag, names tag, microchip, or any other identifiers

(a) Any person who finds a stray or straying dog and (1) provides care or safekeeping or (2) retains the companion animal in such a manner as to control its activities shall immediately:

(1) Make a reasonable attempt to notify the owner of the found animal if the owner can be ascertained from any tag, license, collar, tattoo, or other form of identification or markings or if the owner of the animal is otherwise known to the individual. If an owner cannot be located, the dog must be turned into Animal Control the next business day.

(2) If the dog has been found during normal business hours with no tag, microchip, license, collar, tattoo, or other form of identification or markings the dog must immediately be turned over to Whiteside County Animal Control. Individuals must provide to the department contact information, including at least a name and a contact telephone number, and the location where the dog was found. Any Individual who finds a straying dog after normal business hours or during holidays when Animal Control is closed must contact their local law enforcement agency.

(b) If a person finds a stray or straying dog and (1) provides care or safekeeping or (2) retains the dog in such a manner as to control its activities, the individual shall comply with the provisions as it pertains to Humane Care for Animals Act (510 ILCS 70/3.01) (from Ch. 8, par. 703.01) and (510 ILCS 70/3) (from Ch. 8, par. 703)

Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00) . For the first offense, a warning citation may be issued. Each day a person fails to comply constitutes a separate offense. ~~Violators may also be charged with a Class C Misdemeanor.~~

## **ARTICLE VII. MANAGED CARE OF FERAL CATS**

### **6-40 Definitions.**

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

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

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

Department means Whiteside County Animal Control of Animal.

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

EAID means an electronic animal identification device.

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

Feral Cat means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and Is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

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

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

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

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

Nuisance, for purposes of this Ordinance, means conduct by stray or feral cats that disturb the peace. Stray or feral cats may create a nuisance by (a) habitually or continually howling, crying or screaming, or (b) habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

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

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

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

TNR means Trap, Neuter and Return.

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

**Sec. 6-41. Responsibilities of owners of domesticated cats.**

(a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

(b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a Nuisance.

(c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.

(d) An owner shall not abandon a domesticated cat.

**Sec. 6-42. Feral Cat Colonies.**

(a) Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a Department approved Sponsor, as defined in Section 10-97(b), and that the Feral Cat Colony Caretaker takes all appropriate and available steps to meet the terms and conditions of this Ordinance.

(b) Sponsorship of Colony TNR Programs. Any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor shall so advise the Department in writing and provide its address and telephone number, and electronic mail address if applicable.

(c) Sponsor Requirements. It shall be the duty of the Sponsor to:

(1) Review and, in its discretion, approve of Feral Cat Colony Caretakers.

(2) Help to resolve any complaints over the conduct of a Feral Cat Colony Caretaker or of cats within a colony.

(3) Maintain records provided by Feral Cat Colony Caretakers on the size and location of the colonies as well as the vaccination, micro-chipping, and spay and neuter records of cats in the Sponsor's colonies.

(4) Provide, at a minimum, written educational training for all Caretakers addressing uniform standards and procedures for colony maintenance.

(5) Report annually to the Department on the following: a. number and location by zip code of colonies for which it acts as a Sponsor in the County;

(b) total number of cats in each of its colonies;

(c) Number of cats from its colonies micro-chipped, vaccinated, and spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.

(6) Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;

(7) Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;

(8) Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this Ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.

(d) Feral Cat Colony Caretaker Responsibilities. In order to be an approved managed Feral Cat Colony Caretaker, said Caretakers shall be responsible for the following:

(1) Registering the colony with the Sponsor.

(2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine and to update the vaccinations as warranted and mandated by law.

(3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

(4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.

(5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the Feral Cat Colony Caretaker shall be the named contacts for purposes of the EAID.

(6) Providing the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped, and spayed or neutered.

(7) Providing food, water and, if feasible, shelter for colony cats.

(8) Obtaining proper medical attention for any colony cat that appears to require it.

(9) Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat.

(10) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Caretaker requires access to provide colony care.

(11) Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes or foster homes for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.

(12) Reporting semi-annually in writing to the Sponsor on (1) the location of the colony, (2) the number and gender of all cats in the colony, (3) the number of cats that died or otherwise ceased being a part of the colony; (4) the number of kittens born to colony cats and their disposition, (5) the number of cats placed in animal shelters or in permanent homes as companion cats, (6) the number of cats vaccinated, (7) the number of cats micro-chipped, and (8) the number of cats spayed or neutered.

(e) Withdrawal of Feral Cat Colony Caretaker or Sponsor. In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor.

In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the Department. The Sponsor shall work with the Department to obtain a replacement Sponsor. If no new

Sponsor is found within 30 days, the Sponsor shall notify the Department.

(f) Disposition of Feral Cat Colony cats.

(1) An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a Feral Cat Colony, shall scan the cat for an EAID. If an EAID is found, the Officer shall attempt to contact the Sponsor or Feral Cat Colony Caretaker. If an EAID is not found, the Officer shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Caretaker of this cat or a Feral Cat Colony Caretaker who will take responsibility for managing this cat.

(2) If the Feral Cat Colony Caretaker is not able to immediately take custody of the cat, the Officer shall transport the cat to the Sponsoring Humane Society's Animal Shelter or nearest Animal Shelter. The Feral Cat Colony Caretaker shall be responsible for retrieving the cat from the Shelter within three (3) business days or advising the Shelter if he or she does not intend to retrieve the cat.

(3) The Department, its designee, or a licensed veterinarian, shall be the only persons permitted to destroy a Feral Cat.

(4) No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a Feral Cat. Animal Care, Subsection (k), the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

### **Sec. 6-43. Ordinance Enforcement.**

(a) The Department or its designee, in order to encourage the stabilization of the Feral Cat population in Whiteside County, shall have the following rights:

(1) The right to trap in a humane manner and remove any cats that (1) have not been vaccinated against rabies or which are demonstrating signs of the disease, (2) are not spayed or neutered, (3) are not identifiable through an EAID as belonging to a Feral Cat Colony that has a Sponsor and a Feral Cat Colony Caretaker, or (4) for public health or public safety concerns.

If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Sponsor can arrange to have the cat spayed or neutered, ear tipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The Sponsor may then arrange for the cat to be adopted or placed in a Feral Cat Colony.

If a Feral Cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed under the supervision of the PH Administrator or his/her designee (preferably an infectious disease authority).

(2) The right to direct that a Sponsor remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat, the Sponsor shall have 30 days to do so. Failure of the Sponsor to remove the cat within said time period (or such longer time as the Department may specify) shall constitute grounds for the Department to remove the cat.

(b) Animal Control Officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a Feral Cat.

(1) In the event that an ACO or police officer finds that a Feral Cat or Feral Cat Colony has created a nuisance, the ACO or police officer shall advise the Department and Sponsor in writing of the nuisance.

(2) The Sponsor shall have the right to review the matter with the Administrator of the Department. If the Sponsor is not able to satisfy the Administrator that a nuisance is not occurring, the Sponsor shall have 30 days to comply with the Administrator's direction with respect to correcting the nuisance. If the Sponsor fails to correct the nuisance, the Department shall have the right to remove the cat.

(c) If a Sponsor fails to perform its responsibilities as defined in Section 6-42(c) of this Ordinance, the Department may notify the Sponsor that it must comply with the requirements of This Ordinance within 30 days. If the Sponsor fails to do so, the Department may remove this Sponsor from the list of Department approved Sponsors, and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.

(d) If a Feral Cat Colony Caretaker regularly fails to comply with this Ordinance, the Sponsor may notify the Feral Cat Colony Caretaker that he or she has 30 days to make all Reasonable efforts to fulfill the responsibilities defined in Section 6-42(d) of this Ordinance. If the Feral Cat Colony Caretaker fails to comply within that time period, the Sponsor may identify and obtain replacement Feral Cat Colony Caretakers for the Feral Cat Colonies of the non-compliant Feral Cat Colony Caretaker. If no other Feral Cat Colony Caretaker can be found within 30 days, the Sponsor shall notify the Department, and the Department may humanely remove all, or parts of, the Feral Cat Colonies and dispose of them in accordance with Section

(e) Feral Cats who were spayed or neutered and vaccinated for rabies prior to the date on which this Ordinance became effective, but did not have an EAID inserted or were marked as Feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to be in compliance with this Ordinance, if all other requirements in Section 6-42(d) are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this ordinance within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.