

## Chapter 9 - ANIMAL CONTROL

### ARTICLE 1. - GENERAL PROVISIONS

#### 9.1.01. - Owner.

"Owner" is defined as one who keeps or harbors an animal, or who has it in his care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him.

#### 9.1.02. - Dangerous Animals.

A dangerous animal is hereby defined to be an animal which shall cause annoyance or reasonable fear of bodily injury to any person by attacking or threatening to attack such person. Any such animal is hereby declared a nuisance. The owner of any dangerous animal shall keep the same confined in a secure enclosure or on a leash controlled by the owner or his or her agent at all times and shall not permit such animal to be at large within the City of Country Club Hills.

#### 9.1.03. - Biting Animals.

The owner of any animal which bites, scratches, or otherwise injures any person who was not at the time unlawfully trespassing upon the personal property of the owners of such animal, shall be considered in violation of this ordinance.

#### 9.1.04. - Creation of a Nuisance.

Any person who permits an animal to create a nuisance is guilty of a violation of this ordinance.

- a. The continuous or persistent barking of an animal or the creation of an objectionable noise by an animal is hereby declared to be a nuisance.
- b. No person owning or having in his custody any domestic animal of the species of dog, cat or bird shall permit same to go at large to the injury or annoyance of others. Nor shall such animals be permitted at large upon the streets or other public ways of the City. Such action is, hereby, declared to be a nuisance and dangerous to the public health and safety. No person shall be permitted to own or have in his custody any poultry, hoofed animals and naturally wild animals including but not limited to horses, mules, bison, cattle, goats, sheep swine and fowl.
- c. Control of Defecation.
  1. No person owning or having in his/her custody any animal shall permit such animal to urinate or deposit excrement on any public or private property not owned or possessed by such person.
  2. It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person unless such person has in his/her immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
  3. It shall be unlawful for any person in control of, causing or permitting any dog to be on a any property, public or private, not owned or possessed by such person to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

Any violation of subsection c. of this section is hereby declared a nuisance.

9.1.05. - Temporary Holding of Animal.

Any person finding any animal or fowl upon his property to his injury or annoyance may take up same and remove it to any private or other animal shelter that will take hold of it. If no such shelter is available, he may hold the said animal or fowl in his own possession, and as soon as possible, notify the Police Department of this custody, giving a description of the said animal or fowl and the name of the animal if known.

9.1.06. - Capture and Impounding.

- a. It shall be the duty of the Animal Control Warden of the City of Country Club Hills to impound any animal considered to be a public nuisance. The Animal Control Warden, or his duly appointed deputy, shall immediately upon impounding such animal, make a complete registry, entering the name, breed, color and sex of such animal and whether licensed, if known; and, if licensed, he shall enter the name and address of the owner and the number of such tag shall be recorded. When any licensed animal shall be impounded, the Animal Control Warden, or his deputy, shall forthwith give notice in person, or by mail, or by telephone to the owner of such licensed animal, informing such owner of the impounding of his animal.
- b. Should any officer or designated person upon his initiative pick up a large animal such as a horse, cow or mule or any other animal not acceptable by any animal hospital or shelter, he is authorized to call a trucking firm or company. The firm or company will convey the animal outside the corporate limits to one of the farms which has a working agreement with the City to handle such cases. The disposition of the animal in this case shall be handled in the same manner as any other impounding.
- c. If any dangerous, fierce or vicious animal cannot be safely taken up and impounded, such animal may be slain by any policeman, after due diligence in attempting to locate and notify such animal's owner, providing such delay does not imperil the well-being of others. In all cases where any animal which has bitten a person or caused an abrasion, is slain by any policeman, whether by order of court or otherwise and a period of less than ten (10) days has elapsed since the day on which such animal bit any person or caused an abrasion of the skin of any person, it shall be the duty of the policeman slaying such animal to forthwith deliver the carcass and the brain of such animal to the County Board of Health.

9.1.07. - Redemption of Licensed Animals.

Any animal for which the license fee for the current year has been paid, which may during such year be impounded or taken up for being a public nuisance, and if without a collar or harness and license tag, for which satisfactory proof shall be given to an officer of the Police Department, or the Animal Control Warden, by affidavit of the owner thereof, or by other satisfactory proof, that such animal was so licensed and that a collar was around its neck with a license tag attached thereto, or a harness placed and kept about the body of such animal with a license tag attached thereto as provided in this ordinance, and that such collar or harness and tag has been lost or taken from such animal, may be redeemed by the owner of such animal upon payment of a fee of five dollars (\$5.00) for the taking up or impounding of such animal plus the payment of all reasonable expenses that the City may incur for the impounding and keeping of the animal. If at the expiration of three (3) days from the day of impounding, such animal shall not have been redeemed by the owner thereof, the Animal Control Warden may dispose of the animal.

9.1.08. - Redemption of Unlicensed Animals.

Any unlicensed animal which shall have been impounded may be redeemed by the owner of such animal or the agent of the owner on payment of the sum of ten dollars (\$10.00) as a fee for taking up or impounding such animal, plus the annual license fee provided herein and the expense of impounding and keeping of the animal. If any such animal is not redeemed within three (3) days after being impounded, such animal may be disposed of by the Animal Control Warden.

#### 9.1.09. - Rabies.

Every veterinarian or other person discovering or suspecting any animal to be suffering with Rabies shall forthwith report such fact to the Cook County Rabies Control Division, giving the name and address of the owner of such animal and the license number thereof, if known. If such animal after examination by a licensed veterinarian or the Cook County Rabies Control Division is suspected to be suffering with said disease, the animal shall at the expense of the owner, immediately be placed in the charge of a veterinarian licensed by the State of Illinois, whose establishment is located in Cook County, for a period of not less than ten (10) days for observation. If such animal should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory of the State Department of Public Health.

Any animal which shall have been bitten by another animal having or suspected of having Rabies shall immediately be impounded for observation as provided by statute.

It shall be unlawful for the owner of any animal, when notified that such animal has bitten or scratched any person or has otherwise injured any person as to cause an abrasion of the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of Cook County, but it shall be the duty of such owner, upon receiving notice of the character aforesaid, to immediately place such animal in a duly licensed veterinary hospital located in Cook County where such animal shall be confined for a period of at least ten (10) days for observation. In case such animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall immediately be furnished to the City Clerk and the Cook County Rabies Control Division and a certificate stating that such animal either shows no symptoms or Rabies or does show symptoms of Rabies. If, at the expiration of ten (10) days of confinement in such veterinary hospital, the said veterinary hospital shall submit to the City Clerk and the Cook County Rabies Control Division a second certificate stating that the animal does not have Rabies, the said animal may then be released by the Cook County Rabies Control Division.

#### 9.1.10. - Duty to Surrender.

The owner or custodian of any animal suffering from or suspected to be suffering from Rabies as provided in Section 9.1.09, shall surrender possession of such animal to any police officer or to the Animal Control Warden of the City of Country Club Hills on demand.

#### 9.1.11. - Animal Control Warden.

The Chief of Police shall be ex-officio Animal Control Warden for the City of Country Club Hills. Provision shall be made for the appointment of such deputy or deputies as may be necessary.

#### 9.1.12. - Damage to Property.

No person shall, without the consent of the owner of the property concerned, permit any animal in his or her custody and control, to enter upon the premises of another within the City of Country Club Hills, or permit any animal in his or her custody or control to injure, destroy, or carry away any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on said premises or which may be planted or seeded there.

9.1.13. - Vicious Dog.

"Vicious dog" means a dog falling within any of the following categories:

- A. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals;
- B. Any dog, which, because of its vicious propensity, is capable of inflicting injury, serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this Chapter; or
- C. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.

9.1.14. - Declaration of Public Nuisance.

The violation of any provision in this section 9.1.13 through and including 9.1.19 is hereby declared a public nuisance.

9.1.15. - Declaring a Dog "Vicious."

If the Community Service Officer, police shift commander or other City Manager designee has reason to believe that a dog falls within any of the categories that would render it vicious, the Community Service Officer, police shift commander or other City Manager designee shall investigate the circumstances to determine whether the dog falls within the definition of "vicious dog" as provided in this Article. In the event that, following investigation, the Community Service Officer, police shift commander or other City Manager designee determines that the dog is vicious, as defined in this article, the Community Service Officer, police shift commander or other City Manager designee may declare that the dog is vicious in accordance with this Article.

9.1.16. - Notice of Vicious Dog Declaration.

Within seven (7) days of a determination by the appropriate officer that a dog is vicious, the officer making the determination shall notify the dog's owner, if known, in writing, of the declaration. This notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this Article. If the owner is unknown or cannot be located, the dog may be immediately impounded. If the owner's address is known, but the owner cannot be located, the notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.

9.1.17. - Hearing on Vicious Dog Declaration.

The known owner of a vicious dog shall have the opportunity to have a hearing on the declaration in accordance with the following procedures:

- (a) The owner of a dog that has been declared vicious in accordance with this Article shall have the right to file a

written request for a hearing to contest the declaration. Such a request must be filed with the City Manager within seven (7) days after the owner receives notice of the vicious dog declaration. In the event that the owner fails to file a written request for a hearing within the requisite seven (7) day period, or fails to appear at a scheduled hearing, the owner will be deemed to have waived the right to a hearing on the declaration. In such situation, the dog shall be deemed vicious and the owner shall be required to comply with all of the requirements and conditions for maintaining a vicious dog as set forth in this Article.

- (b) Within seven (7) days of the receipt of a written request for a hearing, or as soon thereafter as is practical for the City Manager, a hearing shall be scheduled by the City. The hearing shall be conducted by the City Manager. The hearing will be informal and strict rules of evidence shall not apply. The owner and the City Manager may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
- (c) The City Manager shall issue a written decision within seven (7) business days after the conclusion of the hearing. The owner shall be mailed a copy of the written decision. The decision of the City Manager shall be final.
- (d) In the event that the City Manager upholds the vicious dog declaration, the owner shall comply with all of the requirements and conditions for maintaining a vicious dog as set forth in this Article.

#### 9.1.18. - Requirements for Keeping a Vicious Dog.

In order to keep or permit a vicious dog within the corporate limits of the City of Country Club Hills, the owner of a vicious dog shall be required to act in accordance with the following:

- (a) *Confinement.* All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet.
- (b) *Leash/muzzle.* The owner of a vicious dog shall not allow the animal to go outside its kennel, pen, or structure, unless the animal is muzzled, restrained by a chain or leash not more than four (4) feet long, and under the physical control of a person.
- (c) *Signs.* The owner of a vicious dog shall display a clearly visible warning sign, in a prominent place on his or her premises, indicating that there is a vicious dog on the premises. The sign must be legible from the public streets or thoroughfares upon which the owner's property adjoins. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Exact or similar signs shall be posted on the dog's kennel, pen or enclosed structure.
- (d) *Insurance.* The owner of a vicious dog must maintain public liability insurance providing a minimum amount of one hundred thousand dollars (\$100,000) of coverage, insuring the owner for any damage of personal injury that may be caused by his or her vicious animal. Upon a declaration that a dog is vicious, the owner of the animal must provide proof to the City Clerk that the owner possesses the required insurance. Upon request of the City, the owner may be required to present proof of insurance, upon occasion, demonstrating that the owner is maintaining said insurance.
- (e) *Notice of change of status.* The owner of a vicious dog shall notify the City's Community Service Officer of the Police Department immediately upon learning that the vicious animal is unconfined or on the loose, or if the dog has attacked a human being or domestic animal.
- (f) *Notice of change of ownership.* If the owner of a dog declared vicious pursuant to this Article sells, gives away or otherwise transfers custody or ownership of the vicious animal, the owner shall, within three (3) days of

the sale or transfer, provide the City's Community Service Officer of Police Department with the name, address and telephone number of the vicious dog's new owner or custodian. The owner shall notify the new owner or custodian of the animal's designation as a vicious dog. If the new owner or custodian resides or keeps the animal within the corporate limits of the City of Country Club Hills, the owner shall inform the new owner or custodian of the requirements and conditions for keeping a vicious dog as established in this Article.

9.1.19. - Order for Impoundment and Destruction.

The Community Service Officer or police shift commander may order the impoundment and destruction of a vicious dog upon occurrence of one of the following:

9.1.20. - Animal and Rabies Control.

1. *Purpose.* The purpose of this Ordinance is to provide harmonious relationships in the interaction between man and animal by:
  - a. Protecting the citizens of Country Club Hills from rabies by specifying such preventative and control measures as may be necessary.
  - b. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
  - c. Providing security to residents from annoyance, intimidation and injury from cats, dogs, and other animals;
  - d. Encouraging responsible pet ownership;
  - e. Providing for the assessment of penalties for violators and for the enforcement and administration of this Ordinance.
2. *Definitions.*
  - a. *Administrator* means the City Manager or her designee
  - b. *Animal* means any live vertebrate creature except man.
  - c. *Animal capable of transmitting rabies* means all animals classifies as mammals.
  - d. *Animal control warden* means the Chief of Police or his designee.
  - e. *Bird* means any flying vertebrate that is covered by feathers.
  - f. *Bite* means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such cat, dog or other animal with any break or abrasion of skin.
  - g. *Cat* means all members of the classification, *Felis catus*.
  - h. *Confines* means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.
  - i. *Control* means any owned animal that is either secured by a leash or lead, or within the premises of its owners, or confined within a crate or cage, or confines within a vehicle, or within the premises of another person with the consent of that person.
  - j. *Dangerous or vicious animal* means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting himself in any place where he may lawfully be.
  - k. *Dog* means all members of the classification, *Canis familiaris*.

- l. *Domestic animal* means any animal which has been domesticated by man so as to live and breed in a tame condition.
  - m. *Guard dog* means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.
  - n. *Service animal* means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
  - o. *Inoculation against rabies* means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.
  - p. *Owner* means any person having the right of property to an animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by him unless possession is prohibited by Federal or State Laws. Native wildlife remaining on or about premises shall not be included in this definition.
  - q. *Person* means any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, municipal corporation, unit of local government or any other business unit.
  - r. *Pound* means any facility licensed by the Illinois Department of Agriculture and approved by the Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.
  - s. *Stray animal* means any owned animal that is not controlled.
3. *Animal Care.*
- a. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
  - b. No person shall beat, torment, overload, overwork or otherwise abuse an animal.
  - c. No person shall own, keep, harbor, or otherwise maintain within the City of Country Club Hill, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
  - d. No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game, or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
  - e. No person shall hold a greased pig contest.
  - f. No person shall be permitted to keep animals in violation of the "Illinois Humane Care for Animal Act (510 ILCS 70/ et seq.) or the "Illinois Animal Welfare Act" (225 ILCS 605/1 et seq.).
  - g. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure.
  - h. 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 "Illinois Humane Care for Animals Act."
  - i. No person shall give away or use any animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to

enter any business agreement whereby the offer was for the purpose of attracting trade.

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



immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.

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

4. *Rabies Vaccination.*

- a. Every owner, except animal shelters, animal impounding facilities, and laboratory animal facilities, of an animal four months or more of age shall cause such animal to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture.
- b. Evidence of such rabies inoculation shall be entered on a certificate approved by the Cook County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the Cook County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate. Only one animal shall be included on each certificate. Upon change of ownership application shall be made for a new inoculation certificate. Such tags shall be attached to the collar or harness worn by the animal for which the tag was issued when the animal is off the property of the owner. The cost of the tag shall be \$6 for a one-year tag and \$18 for a three-year tag. The tag fees shall be paid to the Department and transferred to the County Treasurer on the last day of each month.

5. *Biting Animal Capable of Transmitting Rabies.*

- a. It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within twenty-four hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred.
- b. When the Administrator receives information that any person has been bitten by an animal, the Administrator shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten days beginning within twenty-four hours of the biting incident. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if the animal is currently vaccinated with an approved rabies vaccine. Caged animals such as rats, guinea pigs, rabbits, etc. can be placed under home confinement.
  - i. When the biting animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period of rabies.
  - ii. When the biting animal is not currently inoculated with rabies vaccine the animal shall be confined for 10 days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.

- c. Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the De
- d. When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that an animal may have rabies, the owner or veterinarian shall notify the Administrator immediately by telephone or in person of these signs. The Administrator shall immediately notify the physician attending the bitten person or responsible health agency as soon as he receives notice of such signs and shall securely confine the animal.
- e. If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine. The animal owner shall show proof of rabies inoculation for the animal and shall pay any fee, charge, or penalty including any fee for veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with the Illinois State Law.
- f. It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the animal known to have bitten a person until it has been released from confinement for observation for rabies by the Administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person, they shall be mailed to the owner of such animal by regular mail, postage prepaid, return receipt requested. The affidavit of testimony of the Administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of his responsibilities.

6. *Rabies Case Procedure.*

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

7. *Stray Animals.*

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

8. *Restriction on Controlled Animals.*

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

9. *Female Animals in Heat.*

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

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

a. *Definitions.*

1. *Bodily Organ* includes but is not limited to skin, which is considered the largest of the human organs.
2. *Cat*, for purposes of this Section, means all members of the family Felidae.
3. *Dangerous dog*, for purposes of the Section, means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.
4. *Dog*, for purposes of this Section means all members of the classification, Canis Familiaris.
5. *Enclosure* for purposes of this Section 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, bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

6. *Ferret* for purposes of this Section means all members of the classification, *Mustela putorius furo*.
  7. *Impounded* for purposes of this Section means taken into custody of the public animal control facility in the city, town, or county where the animal is found.
  8. *Muzzle* means a fastening or covering for the mouth of an animal used to prevent biting and eating.
  9. *Owner* means any person having a right of property in an animal or who keeps or harbors and animal, or acts as its custodian, or who has it in his care.
  10. *Physical injury* for purposes of this Section means the impairment of physical condition.
  11. *Police animal* means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.
  12. *Serious physical injury* means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, serious impairment of health, impairment of the function of any bodily organ, or injury requiring plastic surgery, or injury or injuries that when viewed by a reasonable person are considered significant and substantial.
  13. *Vicious dog* for purposes of this Section 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 3 separate occasions.
- b. *Declaration of a "vicious dog"*. A dog may be declared vicious if the Court determines that without justification, the dog attacks a person causing serious physical injury or death, or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

In order to have a dog deemed "vicious", the County Animal Control Administrator must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's office and the owner.

1. The investigation must be thorough and include interviews with witnesses to the conduct in question;
2. Medical records concerning the injuries inflicted on the person of the alleged vicious conduct and veterinary records of the dog regarding behavioral evidence must be gathered and reviewed;
3. A detailed report must be provided to the Office of the State's Attorney and the owner of the dog recommending a finding that the dog is or is not vicious;
4. The Animal Control Administrator shall determine whether the dog shall be confined, and if so where, during the pendency of the case.

In order to have a dog deemed "vicious" a complaint must be filed by the Cook County Department of Animal Control, the Office of the State's Attorney, any citizen of Cook County, or any victim of a dog attack if such attack occurred within Cook County, in the Circuit Court of Cook County to deem a dog 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 as to whether the dog's behavior was vicious or justified.

The petitioner must establish by clear and convincing evidence that the dog is vicious. If the burden of proof is met, the court shall deem the dog to be a vicious dog.

A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog; or
2. The injured, threatened or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
3. The dog was responding to pain or injury, or was protecting itself, its owner, custodian or member of its household, kennel, or offspring.
4. No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties.
5. Vicious dogs shall not be classified in a manner that is specific as to breed.

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 and attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Ordinance. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall register the animal with the Administrator and keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

- c. *Finding of a Vicious Dog.* If a dog is found to be a vicious dog, the dog shall be spayed or neutered and microchipped within 10 days of the finding at the expense of the owner. The dog shall be subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of the County Animal Control where he or she has relocated and the Administrator if the Cook County Department of Animal Control.
- d. *Confinement of a Vicious Dog.* It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the dog owner or keeper of the dog to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 4 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit Court of Cook County within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the Cook County Department of Animal Control in writing.

- e. *Dangerous dog determination.* After a thorough investigation including: sending within 3 days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agency may ask the Administrator, or his designee, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

A dog shall not be declared dangerous if the Administrator, or his designee, determines the conduct of the dog was justified because:

1. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog;
2. The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
3. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
4. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this ordinance. It shall be the duty of the owner of such exempted dog to notify the Administration of changes of address. In the case of such exempted dogs, the owner shall keep the Administrator advised of the location where such exempted dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

- f. *Finding of a dangerous dog.* If deemed dangerous, the Administrator, or his designee, shall order the dog be spayed or neutered within 10 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public.
1. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

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

The Administrator may order a dangerous dog to be muzzled whenever the animal is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

g. *Control of a dangerous dog.* Dangerous dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

h. *Appeal of dangerous dog determination.*

Dangerous dog; appeal. The owner of a dog found to be a dangerous dog pursuant to this ordinance by Administrator may file a complaint against the Administrator in the Cook County Circuit Court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

The owner of a dog found to be a dangerous dog pursuant to this ordinance by the Director, may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules of application to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the Circuit Court of Cook County. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

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.

At any time after the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

i. *Expenses of microchipping.* A clinic for microchipping companion animals of Cook County residents should be conducted at least once a year under the direction of the Administrator at the animal control facility, animal shelter, or other central location within the county. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the Cook County Animal Control Fund.

j. *Violations.* Any person violating or aiding in or abetting the violation of any provision of this ordinance, or counterfeiting or forging any certificate, permit, tag, or making any misrepresentation in regard to any matter prescribed by this ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this ordinance, or refusing to produce for inoculation any dog in his possession or who

removes a tag from a dog for purposes of destroying or concealing its identity, or who removes a tag, microchip, or tattoo, is guilty of a Class B misdemeanor. A second offense will constitute a Class A misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this ordinance shall cause appropriate proceedings to be instituted in the proper manner provided by law.

k. *Penalties—Vicious dog.* If the owner of a vicious dog subject to enclosure:

1. Fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog; 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 guilty of a Class 4 felony unless the owner knowingly fails to comply with any order of the court of the Administrator regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

11. *Violations—Punishments.*

- A. Any person violating any provision of this Ordinance or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this Ordinance is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this Ordinance is committed or permitted to continue and shall be punished as provided in this Ordinance.
- B. The Administrator, State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave his premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
- C. If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
- D. If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.

12. *Duties of Administrator—Police Power—Cooperation of Sheriff and Police.*

- A. It shall be the duty of the Administrator, through public education, rabies inoculation, stray control, impoundment, quarantine, and other means deemed necessary to control and prevent the spread of rabies in the County.
- B. The Administrator and Animal Control Wardens are for the purpose of enforcing this ordinance and the Illinois Animal Control Act (510 ILCS 5/1 et seq.), clothed with full police power.
- C. The Sheriff and his deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Illinois Animal Control Act (510 ILCS 5/1 et seq.).
- D. The Administrator shall be authorized to develop new programs to implement the animal control goals of this ordinance and the Illinois Animal Control Act. Such programs may include but are not limited to: programs to



aid in the elimination of uncontrolled and/or stray animals in the community, programs to educate the public on issues pertaining to animal control and rabies, programs to impound stray animals, and programs to fund surgical treatment to render animals unable to reproduce. The Administrator is further authorized, subject to annual budget approval by the Board of Commissioners of Cook County, to use Animal Control Funds collected from the issuance of annual animal tag as authorized in Subsection 4.b. of this Section, to fund such programs.

13. *Power of Municipalities and Other Political Subdivisions to Regulate Animals.* Nothing in this Ordinance shall be held to limit the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Ordinance be construed to limit the power of any municipality or other political subdivision to further control and regulate animals in such municipality or other political subdivision by enacting stricter requirements, including a requirement of inoculation with rabies vaccine.
14. *Responsibilities.* The Administrator or police officer or anyone enforcing the provisions of this ordinance shall not be held responsible for any accident or disease that may happen to any animal.
15. *Administrator Authority—Dog Parks or Areas.* No person, including a municipal corporation, forest preserve district or park district shall designate within the County any outdoor area, even if fenced, as an area where dogs may run off leash unless such person, municipal corporation, forest preserve district or park district complies with such regulations as may be issued by the Administrator for the operation of outdoor leash areas.
16. *Supervision by Department—Rules and Regulations.* The Administrator may issue regulations, consistent with the provisions of this Ordinance, for their administration and enforcement, and may prescribe forms which shall be used in connection therewith.
17. *Effect of invalid Section, part of Section, rule or regulation.* The sections of this Ordinance are severable, and if any section herein or any portion thereof is held to be invalid, such invalidity shall not effect any other section of portion of section herein, or any rule or regulation.
18. *Repeal of Conflicting Ordinances.* Any portion of any other ordinance or resolution of the Board of Commissioner of Cook County, to the extent that such portion conflicts with the provisions of this Ordinance, is hereby repealed.

## ARTICLE 2. - DOGS AND CATS

### 9.2.01. - Licenses.

It shall be unlawful for any person to be the owner of a dog or cat within the city of Country Club Hills unless he shall procure a license thereof. Such license shall be issued upon presentation of a valid rabies inoculation certificate and may be for either twelve (12) months or thirty-six (36) months depending upon the type of rabies inoculation. Expiration of the license shall be twelve (12) months or thirty-six (36) months from the date of the rabies inoculation.

### 9.2.02. - Application for License.

Application for a dog or cat license shall be made to the city clerk. At the time of such application, the owner shall furnish the City Clerk with the following information:

1. The name and address of the owner of the dog or cat.
2. The sex, breed and name of the dog and cat.

3. The date of the most recent Rabies vaccination and the name and address of the veterinarian licensed by the State of Illinois who performed the same.

#### 9.2.03. - Inoculation Certificate.

A certificate of inoculation against Rabies for each dog or cat, issued by the County Rabies Inspector or by his deputy, or by a licensed veterinarian, shall be submitted to the City Clerk for inspection at the time of application for license. No license shall be issued for any dog or cat unless such inoculation certificate bears an inoculation date. Within one (1) year from the previous inoculation date where the inoculation is good for one (1) year and three (3) years from the previous inoculation date where the inoculation is good for three (3) years.

#### 9.2.04. - Fees.

Every owner of a dog or cat within the City of Country Club Hills shall pay the following fees for each dog or cat and shall receive from the Clerk a metal tag bearing the letters "C.C.H." as well as a license number; and, the year of expiration of the license stamped thereon:

- a. One (1) Year License .....\$3.00
- b. Three (3) Year License .....\$7.00

#### 9.2.05. - Display of License Tag.

Every owner of a dog or cat within the City of Country Club Hills shall keep such around the neck or body of such dog or cat at all times when said dog or cat is off the premises of the licensed owner. It shall be unlawful for any person, other than the owner, his agent, or a member of the Police Department or Animal Control Warden, to remove a license tag.

#### 9.2.06. - Unlicensed Dog or Cat.

All dogs or cats within the limits of the City of Country Club Hills in violation of this ordinance shall be impounded.

#### 9.2.07. - Dogs on Leash.

- a. No person shall permit any dog in his or her care, except when on a leash, to use or be upon any public street, sidewalk, parkway or public area.
- b. No person shall permit any dog in his or her care, even though on a leash, to be or enter upon any public hall, etc.
- c. No person shall permit any dog in his or her care, even though on a leash to go or be upon any school premises.
- d. No leash shall be longer than eight feet (8') in length.
- e. The provisions of this Section shall not apply to dogs leading blind persons.

### ARTICLE 3. - PROHIBITING CRUELTY TO ANIMALS

#### 9.3.01. - General.

The intent of this Article is to make unlawful cruelty to any animal; however, this shall not be construed to prohibit an officer of the Police Department or any person from taking any necessary action for the protection of life and health or for the public good.

Animals and the conditions which affect them vary to such degree, that it may be necessary to consider carefully the animal, its physical condition, and all circumstances involved in order to determine if a violation of this Article exists.

9.3.02. - Overworking Animals.

It shall be unlawful for any person to overload, overdrive or overwork, cruelly beat, torture, torment, mutilate or cruelly kill any animal or cause or knowingly allow the same to be done.

9.3.03. - Driving Animals.

It shall be unlawful for any person to carry or drive or keep or cause to be carried or driven or kept, any animal in a cruel manner.

9.3.04. - Abandoning Animals.

It shall be unlawful for any person to abandon any animal on any highway or public way or in any other place where it may suffer injury, hunger or exposure or become a public charge.

9.3.05. - Food and Water.

It shall be unlawful for a person to fail to provide any animal in his charge or custody, as owner or otherwise with a sufficient amount of proper food and drink to maintain a reasonable condition of good health.

9.3.06. - Medical and Surgical Treatment.

It shall be unlawful for any person to fail to provide any sick, injured or diseased animal in his charge or custody as owner or otherwise, with adequate medical or surgical treatment. This Section shall not be so construed to prevent the humane killing of any animal.

9.3.07. - Shelter.

It shall be unlawful for any person to fail to provide any animal in his charge or custody, as owner or otherwise with an accessible shelter whenever the animal is contained or restrained from free movement by fence, wall, chain or rope or similar enclosure or devise. Such shelter shall be dry, leakproof, windproof in cold weather, reasonably free of vermin and irritants, large enough so the animal may stand and turn around; and, shall be furnished with sufficient bedding and insulation in cold weather so that the animal may retain enough body heat to maintain a reasonable condition of good health. This Section shall not be construed to prevent any person from causing an animal to be contained or restrained for reasonable periods without shelter, for purposes of gaining fresh air or exercise.

9.3.08. - Reporting Injuries.

It shall be unlawful for any person who injures or causes to be injured any animal not in his charge or custody to fail to immediately report the injury to the owner or person in charge or custody of the animal or to a police officer or humane officer or health officer or animal control officer of the City.

#### ARTICLE 4. - PENALTY

##### 9.4.01. - Penalty.

Any person, firm, or corporation who violates, disobeys, commits, neglects, refuses to comply with, or resists the enforcement of any provision of this Chapter shall be subject to a penalty as prescribed in Chapter 10 of this Code. Each day a violation is permitted to exist or continue shall constitute a separate offense.