

PROPOSED SUBSTITUTE TO FILE 19-0412

Legislation and Intergovernmental Relations Committee 7/24/2019

Sponsored by: TONI PRECKWINKLE (President), Cook County Board of Commissioners

PROPOSED ORDINANCE AMENDMENT

ANIMAL AND RABIES CONTROL ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 10, Animals, Sections 10-2, 10-6, 10-7, 10-8, 10-9, 10-42, 10-78, 10-87, and 10-99, of the Cook County Code are hereby amended as follows:

Sec. 10-2. - Definitions.

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

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

Companion animal means a domesticated or domestic-bred animal whose physical, emotional, behavioral and social need can be readily met as a companion in the home, or in close daily relationship with a person or persons.

Scratch means to score, mark or break the skin of a person, service animal or companion animal, by a dog, cat or ferret, using nail or tooth.

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

- (a) It shall be the duty of the Administrator, through public education, rabies inoculation, stray control, impoundment, quarantine and other means deemed necessary to control and prevent the spread of rabies in the County.
- (b) The Administrator and Animal Control Wardens are for the purpose of enforcing this chapter and the Animal Control Act (510 ILCS 5/1 et seq.), clothed with full police power.
- (c) The Sheriff and Sheriff's Deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Animal Control Act (510 ILCS 5/1 et seq.).

- (d) The Administrator shall be authorized to develop new programs to implement the animal control goals of this chapter and the Animal Control Act (510 ILCS 5/1 et seq.). Such programs may include but are not limited to; programs or grants to aide in the elimination of uncontrolled and/or stray animals in the community, programs or grants to educate the public on issues pertaining to animal control and rabies, programs to impound stray animals, programs or grants for private or public entity capital needs to impound and/or care for stray animals and programs to fund surgical treatment to render animals unable to reproduce. The Administrator is further authorized, subject to annual budget approval by the Board of Commissioners to use Animal Control Funds collected from the issuance of annual animal tags as authorized in Section 10-41(b) of this chapter, to fund such programs or grants. Programs or grants permitted under this subsection may be allocated for internal programs, external grants or valid procurements. Grant recipients shall be selected by the Administrator following a competitive process approved by the Administrator and the Chief of the Bureau of Administration which shall consist of an application process, request for proposal or request for qualification. The Administrator shall be authorized to issue the grant application process, request for proposal or request for qualification and shall be authorized to execute said grant agreements as approved by the Cook County Board of Commissioners.

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

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

Sec. 10-8. - Animal care.

(p) No person shall permit at any time their animal to:

- (1) Run uncontrolled
- (2) Be off leash, except in accordance with applicable law or regulation(s);
- (2) Molest persons or vehicles by chasing, barking or biting;
- (3) Attack other animals;
- (4) Damage property other than the owner's.

Sec. 10-9. - Stray animals.

(a) Whenever an Animal Control Warden observes or is informed that an animal is a stray or is off leash and not under the control of the owner, the animal shall be immediately apprehended and impounded. Any person may apprehend a stray animal and inform the local police or the Administrator so that the stray animal can be impounded. Stray animals impounded by the Department of Animal and Rabies Control shall

be kept at a location closest to the point at which the stray animal is apprehended. ~~A minimum of two impoundment locations shall be used by the Department, one optimally convenient to that portion of the County outside the City of Chicago lying north of the Eisenhower Expressway and one optimally convenient to that portion of the County outside the City of Chicago lying south of the Eisenhower Expressway.~~

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

(a) It shall be unlawful for any person knowing that an individual, service animal or companion animal has been bitten by an animal to fail to notify, within 24 hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred. It shall be unlawful for any person knowing that an individual, service animal or companion animal has been scratched by an animal that is either (1) a wild animal; (2) an animal that has been confirmed to have been exposed to rabies; and/or (3) an animal exhibiting symptoms of a rabies infection (“potential transmitters of rabies”) to fail to notify, within 24 hours, the police or other officer with the delegated authority who are responsible for the area in which the scratch by a potential transmitter of rabies has occurred.

(b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person, service animal or companion animal has been bitten by an animal or scratched by an animal that is considered a potential transmitter of rabies as provided in subsection (a) of this section, the Administrator shall have the owner confine the biting or scratching animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting or scratching incident. The biting or scratching animal may be confined in the house of its owner in a manner which will prohibit it from biting or scratching any person or animal if the animal is currently vaccinated with an approved rabies vaccine. Caged animals such as rats, guinea pigs, rabbits, etc., can be placed under home confinement.

(1) When the biting animal or scratching animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.

(2) When the biting animal or scratching animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.

(c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.

(d) When an animal confined for biting or scratching 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 the telephone or in person of these signs. The Administrator shall immediately notify the physician attending the bitten or scratched person or responsible health agency as soon as the Administrator receives notice of such signs and shall securely confine the animal.

(e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine. The animal owner shall show proof of rabies inoculation

for the animal and shall pay any fee, charge or penalty including any fee for veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with State law.

(f) It shall be unlawful for the owner of a biting or scratching animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the animal known to have bitten or scratched a person until it has been released from confinement for observation for rabies by the Administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person they shall be mailed to the owner of such animal by regular mail, postage prepaid, return receipt requested. The affidavit of testimony of the Administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of their responsibilities.

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

(a) A dog may be declared vicious if the Court determines that without justification, the dog attacks a person or companion animal causing serious physical injury or death, or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

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

(c) A complaint may be filed in the Circuit Court of the County after a complete investigation by the County Animal Control Administrator, or designee. The County Department of Animal Control shall accept requests for investigation by any party. Such investigation shall follow these requirements:

- (1) The investigation must be thorough and include interviews with witnesses to the conduct in question;
- (2) Medical records concerning the injuries inflicted on the person or companion animal 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.

Sec. 10-87. - Penalties; vicious dog.

If the owner of a vicious dog subject to enclosure:

- (1) Fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog;

- (2) The dog inflicts serious physical injury upon any other person or companion animal or causes the death of another person or companion animal; and
- (3) The attack is unprovoked in a place where such person or companion animal is peaceably conducting himself or herself and where such person or companion animal may lawfully be;

the owner shall be guilty of a Class 4 felony unless the owner knowingly allowed the dog to ~~run at large~~ be off leash or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this section shall be in addition to any other criminal or civil sanction provided by law.

~~Sec. 10-99. — Effective date.~~

~~This Ordinance shall become effective 30 days after adoption.~~

Effective date: This ordinance shall be in effect immediately upon adoption