

CHAPTER 3

ANIMAL SERVICES

ARTICLE I – GENERAL PROVISION

3-1-1 **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Services Code. (See 510 ILCS Sec. 5/1)

3-1-2 **DEFINITIONS.** As used in this Chapter, unless the context otherwise requires, the terms specified in **Subsections 4-1-2.1 through 4-1-2.19** have the meanings ascribed to them in those subsections. (See 510 ILCS Sec. 5/2)

ADMINISTRATOR. “Administrator” means a veterinarian licensed by the State of Illinois and appointed pursuant to this Code or his duly authorized representative.

ANIMAL. “Animal” means any animal other than man, which may be affected by rabies.

ANIMAL CONTROL WARDEN. “Animal Control Warden” means any person appointed by the Administrator with the advice and consent of the Animal Services Committee representing the County Board to perform duties as assigned by the Administrator to effectuate this Code.

BOARD. “Board” means the County Board of St. Clair County, as defined by Section 23 of “An Act to revise the law in relation to counties” approved **March 31, 1974**, as amended.

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

DANGEROUS DOG. “Dangerous Dog” means a dog which has been known at any time, without provocation, to attack or injure any person who was peacefully conducting himself where he lawfully may be.

DEPARTMENT. “Department” means the Department of Agriculture of the State of Illinois. (Ord. No. 90-225; 11-26-90)

DEPUTY ADMINISTRATOR. “Deputy Administrator” means a veterinarian licensed by the State of Illinois, appointed by the Administrator and approved by the Board.

DIRECTOR. “Director” means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

DOG. “Dog” means all members of the family Canidae.

HAS BEEN BITTEN. “Has Been Bitten” means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

INOCULATION AGAINST RABIES. “Inoculation against rabies” means the injection of an anti-rabies vaccine approved by the Department.

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

LICENSED VETERINARIAN. “Licensed veterinarian” means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

OWNER. “Owner” means any person having the right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his care, or acts as its

custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.

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

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

REGISTRATION CERTIFICATE. "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code.

UNOWNED STRAY DOG. "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof.

3-1-3 - 3-1-4 RESERVED.

ARTICLE II - ADMINISTRATION

3-2-1 APPOINTMENT OF ADMINISTRATOR; DEPUTIES; REMOVAL. The County Board Chairman shall appoint, with the advice and consent of the County Board at its first regular meeting in January of each year, an Animal Services Administrator, who shall be a licensed Illinois veterinarian. The Administrator's duties shall include those prescribed by statutes, this Code, and the Rules and Regulations relating to the Animal Control Act as have been or may hereafter be adopted by the Department of Agriculture of the State of Illinois pursuant to **Illinois Compiled Statutes, Chapter 510, Section 5/1**. The Administrator's salary and expenses shall be established annually by the County Board in the Annual budget prior to his appointment. The Administrator, with approval of the Animal Services Committee, may appoint Deputy Administrators, Animal Control Wardens and personnel to aid him as authorized by the County Board. The compensation for Deputy Administrators, Wardens and personnel shall be established by the County Board in the annual budget. The Administrator and the Animal Services employees may be removed by the County Board Chairman upon the recommendation of the Animal Services Committee.

3-2-2 EQUIPMENT SUPPLIED BY BOARD. The Board shall provide necessary personnel, equipment, supplies, and facilities, and shall provide pounds or contract for their operation as necessary to effectuate the program. The Administration shall be responsible for operation of such pounds as are or may hereafter be owned by the County.

The Board is empowered to, and may from time to time, utilize monies from their General Corporate Fund to effectuate the intent of this Code. **(See 510 ILCS Sec. 5/3; Rules and Regulation Relating to the Animal Control Act, effective September 26, 1974)**

3-2-3 DUTIES OF ADMINISTRATOR: POLICE POWERS: COOPERATION OF SHERIFF AND POLICE. It shall be the duty of the Administrator through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary to control and prevent the spread of rabies in this County. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of the Animal Control Act. **(See 510 ILCS Sec. 5/19)**

The Administrator, Deputy Administrators, and Animal Control Wardens are, for the purpose of enforcing this Code, clothed with police power, according to law made and provided. The Sheriff and his deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of this Code. **(See 510 ILCS Sec. 5/5)**

ARTICLE III - REGISTRATION

3-3-1 REGISTRATION OF DOGS AND CATS, FEES, PENALTIES, CERTIFICATION OF REGISTRATION. Every person who is or has been a resident of this County for **thirty (30) days** or more and who is the owner of any dog or cat, **four (4) months** or more of age, shall cause such dog or cat to be registered and shall pay an annual fee for such dog or cat. The annual fee shall be **Ten Dollars (\$10.00)** for each spayed or neutered dog or cat and **Twenty Dollars (\$20.00)** for each unaltered dog or cat. **Ten Dollars (\$10.00)** of the fee for unaltered dogs and cats shall be deposited in the state mandated Pet Population Fund. The annual fee will be **Twenty Dollars (\$20.00)** for each dog or cat paid within **twenty (20) days**, with a **Twenty-Five Dollar (\$25.00)** fee for each dog or cat paid within the **twenty-one (21) to forty (40) days**, and a **Thirty-Five Dollar (\$35.00)** fee for each dog or cat if paid after **forty (40) days**. **(Ord. No. 06-898; 05-30-06)**

The State's Attorney may, at his discretion, initiate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner provided by law against individuals who fail **AFTER sixty (60) days** and actual notice to register their dog(s) or cat(s). **(Ord. No. 06-898; 05-30-06)**

3-3-2 FEE DEADLINE. The annual registration fee for individual dogs and cats shall be paid within **twenty (20) days** of the date said dogs or cats are inoculated against rabies or within **twenty (20) days** of paid anniversary of **three (3) year** vaccinations with increased costs assessed if paid within **twenty-one (21) to forty (40) days** and even higher costs assessed paid **AFTER forty (40) days** from date said dogs or cats are inoculated against rabies or **three (3) year** vaccinations. **(Ord. No. 94-482; 12-27-94)**

3-3-3 REGISTRATION FORMS. The Animals Services Administrator shall provide licensed veterinarians with appropriate registration forms which shall be distributed to dog and cat owners by such licensed veterinarians upon the occasion of the rabies inoculation required by the Animal Control Act and this Code. The veterinarians shall send completed inoculation forms to the Animal Services Administrator as soon as practicable, preferably weekly. **(Ord. No. 94-482; 12-27-94)**

3-3-4 REMITTANCE OF FEES - ANIMAL SERVICES FUND - USE OF FUND. All registration fees collected shall be remitted to the County Treasurer who shall place such monies in an Animal Services Fund. This fund to be set up by him for the purpose of paying costs of the Animal Services Program. **One-third (1/3)** of all fees collected shall be retained in the fund until the **first (1st) Monday** in March of each calendar year for the purpose of, paying claims for loss of livestock or poultry as set forth in Section 19 of the Animal Control Act. The remaining **two-thirds (2/3)** shall be used for paying the cost of stray dog control, impoundment, education on animal provisions of this Code, except as set forth in Section 5/19 of Chapter 510 of the Animal Control Act, Illinois Compiled Statutes. **(See 510 ILCS Sec. 5/7 and 5/19) (Ord. No. 90-225; 11-26-90)**

ARTICLE IV – REGULATIONS

3-4-1 INOCULATION AGAINST RABIES REQUIRED – RABIES INOCULATION TAGS – SALE AND DISTRIBUTION OF VACCINE. Every owner of a dog or cat **four (4) months** or more of age not confined at all times to an enclosed area, shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian at such intervals as have been or may hereafter be established by regulations of the Illinois Department of Agriculture. Evidence of such rabies inoculation shall be entered on a registration certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. The Board shall cause a rabies inoculation tag to be issued, at no additional fee, for each dog or cat inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture by published regulations. **(Ord. No. 94-482; 12-27-94)**

3-4-2 RABIES INOCULATION TAG – DISPLAY – COLLAR OR HARNESS. Every dog within the County, which is required to be vaccinated and registered under the provision of the Animal Control Act and this Code, shall be provided by its owner or keeper with a collar or harness made of leather, metal or other substantial material to which the owner or keeper shall cause a current rabies vaccination tag to be securely attached. The owner or keeper shall cause such collar or harness to be worn at all times by the dog for which the certificate and tag was issued, except when such dog is confined to an enclosed area.

3-4-3 DOGS RUNNING AT LARGE.

(A) **Impoundment.** Any dog found running at large contrary to provision of this Code and **510 ILCS Sec. 5/1, et seq.**, shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available public pound.

Any dog running at large within the County on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such dog shall be considered a "stray" and shall be considered to have been "found running at large contrary to the provisions of this Code" and contrary to the provisions of the Animal Control Act, whenever:

- (1) Such dog is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods, and
- (2) Such dog does not bear a current rabies inoculation tag as required by this Code.

(B) **Unincorporated Areas Subdivided for Residence Purposes.** It shall be unlawful and a violation of this Code for any person who is the owner of a dog to allow or permit the same to run at large on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such dog, provided, however, that this Section shall only apply in unincorporated areas of St. Clair County which have been subdivided for residence purposes. For purposes of this Section, "running at large" means a dog allowed, suffered or permitted by its owner to roam, run or wander upon public ways or public places or upon private premises of any person other than those of the owner when such dog is not under control by leash or other recognized control methods. Persons owning dogs in said unincorporated areas shall remove and properly dispose of all animal waste produced by their dogs from the property of others and all public places. **(See 55 ILCS Sec. 5/5-1071)**

3-4-4 NOTICE OF IMPOUNDMENT – SERVICE OF NOTICE – REDEMPTION OF IMPOUNDED DOG OR CAT – CONDITIONS.

Any dog or cat found running at large contrary to the provisions of this Section shall be apprehended and impounded by the Administrator. When any such dog or cat has been apprehended and impounded by the Administrator pursuant to this Section, the Administrator shall give notice of not less than **seven (7) days** to the owner, if known. Such notice shall be mailed to the last known address of the owner. In case the owner of any dog or cat impounded under this Section desires to make redemption thereof, he may do so on the following conditions:

- (A) He shall present proof of current registration and rabies inoculation.
- (B) He shall pay the registration and rabies and distemper inoculation fees, and
- (C) He shall pay to St. Clair County, for the board of the dog or cat for the period it was impounded at the rate of **Five Dollars (\$5.00)** per day, or part thereof;
- (D) He shall be charged a running at large penalty of **Ten Dollars (\$10.00)**.

Any person who is the owner of a dog and who allows, suffers or permits such dog to run at large contrary to the provisions of this Section, may be charged with a violation of this Section regardless of whether such owner's dog was apprehended and impounded by the Administrator, shall be fined not less than **Twenty-Five Dollars (\$25.00)** public safety fine. **Twenty Dollars (\$20.00)** of any fine shall be deposited into the Pet Population Fund and the remainder into the County Animal Control Fund. **(See ILCS 1992)**

3-4-5 DOGS NOT REDEEMED – HUMANE DISPATCH – HUMANE SOCIETIES; ADOPTION – CHARGE FOR REGISTRATION AND INOCULATION. When not redeemed by the owner within **seven (7) days** after due notice has been given under this Code, a dog which has been impounded for failure to be registered in accordance with the provisions of this Code shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound a stray dog in accordance with the laws that exist or may hereafter exist. This Code shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Code and other existing laws. Any person purchasing or adopting such dog, with or without charge or donation, shall pay for the registration and rabies inoculation of such dog. **(See 510 ILCS Sec. 5/11)**

3-4-6 HUMANE DISPATCH, DISPOSITION – UNOWNED STRAY DOGS. The Administrator is hereby authorized to humanely dispatch, offer for adoption, or otherwise dispose of any unowned stray dog impounded under the provisions of this Code after the expiration of **seven (7) days** following the day of impoundment of such dog.

3-4-7 DOGS EXHIBITING SIGNS OF RABIES – NOTICE TO ADMINISTRATOR – CONFINEMENT OF DOG – ANIMALS EXPOSED – CONFINEMENT. The owner of any dog or other animal which exhibits clinical signs of rabies whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation for a period of at least **ten (10) days**, unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator. **(See 510 ILCS Sec. 5/12)**

3-4-8 REPORT OF BITE BY DOG OR OTHER ANIMAL – CONFINEMENT – REPORT ADMINISTRATOR – REPORT AT END OF CONFINEMENT – CONFINEMENT IN OWNER'S HOUSE – REDUCTION OF PERIOD – VIOLATIONS – EXPENSES. When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of **ten (10) days**. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within **twenty-four (24) hours** after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal, on appropriate forms approved by the Illinois Department of Agriculture. The Administrator shall notify the attending physician or responsible health agency. At the end of confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the Illinois Department of Agriculture. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of **ten (10) days**, if the Administrator or other licensed veterinarian adjudges such confinement

satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or other licensed veterinarian.

It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, permit or allow such dog to be taken beyond the limits of this County, or otherwise dispose of any such dog or other animal known to have been a person, until it is released by the Administrator, or his authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this Section and **Section 4-4-7** shall be borne by the owner. For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail. **(See 510 ILCS Sec. 5/13)**

3-4-9 NECESSITY OF LEASH FOR DANGEROUS DOG OR OTHER ANIMAL; GUIDE DOGS EXEMPTED. It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premise of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind, 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 and shall be registered annually with the Administrator. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall 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 exempt dogs, and shall promptly notify such departments of any address changes reported to him.

3-4-10 INJUNCTION TO ENFORCE; NUISANCE. The Administrator, the State's Attorney, or any citizen of the County in which a dangerous dog or other animal exists may maintain a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the Circuit Court, if the court is satisfied that this nuisance may exist, it shall allow a temporary writ of injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Code, and in addition, the court shall enter a decree restraining the owner from maintaining such nuisance and may decree that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/15)**

3-4-11 INSPECTIONS – REFUSAL OF OWNER TO DELIVER DOG OR OTHER ANIMAL. For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(See 510 ILCS Sec. 5/17)**

3-4-12 IMMUNITY FROM DAMAGES OCCURRING IN ENFORCEMENT OF CODE. Anyone enforcing the provisions of this Code shall not be held responsible for any accident or property damages which may occur while in the pursuit of any dog or other animal.

3-4-13 POWERS OF MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS TO REGULATE DOGS AND OTHER ANIMALS. Nothing in this Code shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit the animals from running at large, nor shall anything in this Code be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision including a requirement of inoculation against rabies. **(See 510 ILCS Sec. 5/24)**

3-4-14 VIOLATIONS – PENALTY. Any person violating or aiding in or abetting the violation of any provision of this Chapter or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Chapter, or resisting, or obstructing, or impeding the Administrator or any authorized officer in enforcing this Chapter, or refusing to produce for inoculation any dog in his possession not confined at all times to an enclosed area, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a petty offense and shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Two Hundred Dollars (\$200.00)** for the first or second violation. For a third and subsequent offense shall be fined not more than **Seven Hundred Fifty Dollars (\$750.00)**. The State's Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper delay and to be prosecuted in the manner provided by law. **(See 510 ILCS Sec. 5/26)**

3-4-15 MICROCHIPPING. All dogs impounded for running at large for a second time shall be microchipped at the owner's expense. The fee shall be **Fifteen Dollars (\$15.00)** per dog. A dog found running at large a third time shall be spayed or neutered within **thirty (30) days** of being reclaimed. The owner's failure to comply with this order shall result in the impoundment of the dog.

3-4-16 TETHERING DOG REGULATIONS. The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and

guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **two (2) dogs** may be tethered on one residential property.

(H) No more than **one (1) dog** shall be attached to a tether.

(I) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor **three (3) inches** above the ground. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(K) Tethering shall not be used as permanent means of containment for any companion pet.

(L) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.

(4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

(M) No dog shall be tethered longer than **ten (10) continuous hours** or **twelve (12) hours** in any **twenty-four (24) hour** period.

(N) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

3-4-17 **ANIMAL FEED PROHIBITED.** It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structures in the County.

3-4-18 **VARIANCES.** Any person seeking a variance from the regulations in this Section shall complete an application at the Animal Control Agency of St. Clair County. The variance shall be reviewed by the Animal Control Committee for approval or disapproval.

ARTICLE V – NON-DOMESTIC ANIMALS

3-5-1 **PROHIBITION OF KEEPING OF NON-DOMESTIC ANIMALS.** No person, business association or corporation shall keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena or coyote, bear, wolf, or any poisonous reptile in any place other than a property maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

3-5-2 **DOMESTICATION NO DEFENSE.** It is no defense to a violation of this Article that the keeper of any animal or poisonous reptile, which is prohibited by **Section 4-5-1** has attempted to domesticate such animal or poisonous reptile.

3-5-3 **VIOLATIONS – PENALTIES.** Any person violating or aiding in or abetting the violation of any provision of this Article or impeding the Administrator or any authorized officer in enforcing this Article is guilty of a petty offense and shall be fined not less than **Seventy-Five Dollars (\$75.00)** for a first or second offense and for a third and subsequent offense, shall be fined not more than **Seven Hundred Fifty Dollars (\$750.00)**. The State's Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner provided by law. **(Ord. No. 33-86-0; 03-31-86)**

ARTICLE VI – BEAR CODE

3-6-1 **DEFINITIONS.** The following definitions shall apply to this Article:
(A) **Bears.** Any member of the family Ursidae.
(B) **Minimum Care Standards.** Those standards for animal care promulgated by the Secretary of Agriculture of the United States under the Federal Animal Welfare Act and found at Title 9, Code of Federal Regulations Chapter 1, Section 3.1, et seq. and in this Article.
(C) **Person.** Any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, or legal entity.
(D) **Facility.** Includes, but not limited to, a building, room, cage, or enclosure for the control, keeping or care.

3-6-2 **EXEMPTIONS.** The following exemptions shall be applicable:
(A) An organization that is an accredited member of the American Association of Zoological Parks and Aquariums.
(B) State Universities or any other agencies of the State working with wild animals.
(C) Licensed wildlife rehabilitators.

3-6-3

FACILITIES.

(A)

General facilities shall include the following:

- (1) **Structural Strength.** The facility must be constructed of **six (6)** gauge chain link fencing that is welded to all the support posts. The floor must be constructed of concrete or dirt. If the floor is of dirt, the chain link fencing must be buried a minimum of **one (1) foot** vertically in the ground and then bent at a **ninety (90) degree** right angle and extended **three (3) feet** horizontally toward the center of the facility. The facility must have a chain link top also **six (6)** gauge. The facility shall be structurally sound and shall be maintained in good repair to protect the animal from injury and to contain the animal.
- (2) **Water and Power.** Electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.
- (3) **Storage.** Supplies of food and bedding shall be stored in facilities which protect such supplies against deterioration, molding and contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (4) **Waste Disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris. Disposal facilities shall be provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.
- (5) **Floor Space and Height.** Minimum indoor and outdoor floor space must be **three thousand (3,000) square feet**. Minimum indoor and outdoor heights must be **seven (7) feet** per animal.

(B)

Indoor facilities shall include the following:

- (1) **Ambient Temperatures.** Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animal from the extremes of temperature to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.
- (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to protect the health and to prevent discomfort of the animal at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.
- (3) **Lighting.** Indoor housing facilities shall have ample light by natural or artificial means, or both, of good quality, distribution and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to

permit routine inspection and cleaning. Lighting of primary enclosure shall be designed to protect the animal from excessive illumination.

- (4) **Drainage.** A suitable sanitary method shall be provided to eliminate, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(C) Outdoor facilities shall include the following:

- (1) **Shelter From Sunlight.** When sunlight is likely to cause overheating or discomfort of the animal, sufficient shade by natural or artificial means shall be provided to allow the animal kept outdoors to protect himself from direct sunlight.
- (2) **Shelter From Inclement Weather.** Natural or artificial shelter appropriate to the local climate conditions for the species concerned shall be provided for the animal kept outdoors to afford it protection and to prevent discomfort to it. The animal shall be acclimated before it is exposed to the extremes of the individual climate.
- (3) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

3-6-4 **FEEDING.** The diet shall be prepared with consideration for the age, species, condition, size and type of the animal.

3-6-5 **TRANSPORTATION.** Transporting of bears shall be prohibited unless a permit for such transportation has been obtained from St. Clair County Animal Services Director.

3-6-6 **VIOLATIONS – PUNISHMENT.**
(A) Any person violating or aiding in or abetting the violation of any provision of this Article, upon conviction, shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Five Hundred Dollars (\$500.00)**.

(B) Each day a person fails to comply with any provision of this Article constitutes a separate offense.

(Ord. No. 11-1041; 05-31-11)