

## Ordinance of the County Board Of Kankakee County, Illinois

**RE: ORDINANCE AMENDMENT TO COUNTY CODE SECTION 10-3 –BREEDER LICENSE FEES**

**WHEREAS**, under the authority of the Illinois Animal Control Act, 510 ILCS 5/1 et. Seq. Counties may by ordinance determine the extent of the powers that may be exercised by its Animal Control Administrator, Deputy Administrators and Animal control Wardens, and place certain requirements upon all persons selling dogs or cats or keeping registries of dogs and cats; and,

**WHEREAS**, it becomes necessary at times to amend, adopt or change the County Code and changes are needed on behalf of the Kankakee County Animal Control Department regarding the language regarding breeder license and fees; and,

**WHEREAS**, at the Community Services Committee Meeting of June 24, 2015, after review, discussion and consideration, the committee recommended the adoption of amendments to the County Code on Animal Control concerning breeders as follows:

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that after review, discussion and consideration the County Board of Kankakee hereby amends the County Code by the replacement of section 10-3 as follows:

**Sec. 10-3. - Breeder ~~registration~~ annual license requirements and fees.**

- (a) *Breeder.* Is an individual or business entity duly recognized and licensed by the Illinois Department of Agriculture, or is registered with Kankakee County as an owner of three or more breedable adult male and/or female dogs or cats.
- (b) *Responsibilities.* Dog and cat owners who are also breeders must be in full compliance with the county's animal control ordinance, including the rabies vaccination, registration and microchipping laws of this county and applicable state and federal regulations. Breeders must also obtain a ~~registration or~~ an annual kennel license at a fee approved by the Kankakee County Board,
- (c) *Breeder ~~registration or license requirements.~~*
  - (1) *Inspections.* An applicant for a breeder ~~registration or license~~ shall consent to the inspection of the premises where his or her animals are kept or maintained. Such inspection shall be performed before issuance of the ~~registration or~~ annual license or upon receipt of a complaint. Annual inspections shall be required for licensed breeders. The Kankakee County Animal Control Department or their duly authorized delegate may perform such inspection. Failure to comply with a request for inspection is a violation of this article.

- (A) Failure to comply with an inspection request by the Kankakee County Animal Control Department or their duly authorized representative may result in any or all of the following:
- (i) The immediate suspension by the animal control administrator of the breeder's license and the ability to operate a breeder facility.
    - (a). The breeder shall have the right to an appeal of such suspension by a hearing to be held upon written request made to the Kankakee County Animal Control Administrator.
    - (b). The hearing shall be conducted under article VI, sections 2-435 to 2-454 of the County Code before a hearing officer appointed by the county board.
    - (c). Appeal of the hearing officer's decision shall be by administrative review.
    - (d). The breeder may have prepared, and bear the costs of, any transcript and record of the adjudicatory hearing proceedings at its own expense.
  - (ii) Each day a person or business entity fails to comply constitutes a separate offense.
- (2) The applicant for a breeder's license shall not have been found guilty of more than three violations of the animal control ordinance within the previous three years from the date of application.
- (3) The owner shall immediately notify the Kankakee County Animal Control Administrator or his/her designee of any change in the animals governed by the breeder registration or license including the rabies vaccination and registration required pursuant to this article.
- (4) If a breeder is found to be guilty of any portion of this Section 10-3, three (3) times their license will be immediately revoked and animals will be surrendered to Animal Control and they shall not own, possess, or harbor any dogs or cats for a period of three years.**
- (5) An applicant for a breeder license shall provide proof that the premise is located in an area with proper zoning or have received a variance from the proper authority.**
- (6) Holders of a breeder license shall meet the following requirements for an indoor facility at which a person keeps dogs and cats pursuant to a license under this article.**
- (A) Primary enclosure: A "primary enclosure" is an enclosed space where a dog or cat spends the majority of its sleeping and resting time.**
  - (B) Primary enclosure for cats must meet the following requirements:**
    - (i) Be indoors**
    - (ii) Individual cages should be made of stainless steel, fiberglass, or other impervious material and should follow these guidelines:**
      - (a). Provide an area of at least 9 square cubic feet (usually 3 feet by 3 feet) for each cat.**
      - (b). Supply each cage with a cat litter pan.**
      - (c). Ensure that each cat has constant access to water and dry food.**
      - (d). House no more than one cat in a cage, except for nursing mothers, young litters of kittens, or pairs of adult cats who are bonded with one another.**
    - (iii) If colony cages are used to house cats, follow the guidelines listed below.:**

- (a). Cats whose vaccination history is unknown should be evaluated for health and behavior, vaccinated, and isolated for at least 24 hours for observation before being placed in cat-colony cage rooms.
- (b). Separate unsterilized males from females.
- (c). Separate nursing mothers from all others.
- (d). Separate young kittens from adult cats (except for their mothers).
- (e). House no more than fifteen adult cats or twenty kittens in a 10-by-15-foot room.
- (f). Include one 12-inch by 18-inch cat litter pan for every three cats or five kittens.
- (g). Have water and dry food available at all times (when giving fresh food, use one dish per cat).
- (h). Equip colony rooms with shelves or resting boxes; provide cages with open doors for animals who prefer to be isolated.

(C) Primary enclosure (indoor/outdoor) for dogs must meet the following requirements:

- (i) Dogs confined in either cages or kennels should have room to move about normally.
- (ii) Stainless-steel or custom-made individual cages for should follow these minimum size guidelines:
  - (a). small dogs (up to 25 pounds): at least 3 feet by 4 feet, or 12 square cubic feet
  - (b). medium-sized dogs (25-50 pounds): at least 4 feet by 5 feet, or 20 square cubic feet
  - (c). large dogs (more than 50 pounds): at least 4 feet by 6 feet, or 24 square cubic feet
- (iii) Dogs confined in cages should be exercised in runs at least 4 feet by 10 feet twice daily or walked on a leash for at least 20 minutes twice daily.
- (iv) Kennels with runs, whether fully enclosed or indoor/outdoor, should follow these minimum size guidelines:
  - (A) runs—4 feet by 10 feet
- (v) Ideally, each dog should have his or her own kennel. Animals who share kennels must be evaluated for compatibility and monitored closely. Each should have ample room to stand, lie down, turn around, and sit normally. This requires a minimum area of 4 feet by 4 feet for each dog. A shared 5-foot

by 10-foot kennel should hold no more than two large, two medium, or three small dogs.

(vi) The height of the primary enclosure must be at least 24 inches taller than the tallest dog in the enclosure.

(vii) Outdoor primary enclosure

(A) shall be constructed and maintained to prevent dogs from escaping from the enclosure;

(B) If any portion of the primary enclosure is covered by a roof or overhead screen, the roof or screen must be at least 24 inches higher than the standing height of the tallest dog in the primary enclosure

(4)(7) Holders of a breeder registration or license shall conform to the following requirements:

(a) *Inoculations and microchipping.*

- (1) All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.
- (2) All dogs and cats must be microchipped pursuant to this article.
- (3) Change in ownership information ~~should~~ **shall** be made to the Kankakee County Animal Control Department.

(b) *Humane care and treatment of animals by breeders.*

- (1) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.
- (2) If the dogs and/or cats are kept or maintained within a building, such building shall:
  - (a). Comply with the Kankakee County Code.
  - (b). Be kept clean, free of feces and urine.
  - (c). Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
  - (d). Be well ventilated with a means of circulating the air in all areas of the kennel to be exchanged with outside air and maintain appropriate temperature to prevent suffering.

(e) Maintain appropriate temperature to prevent suffering; heating shall be deemed necessary when the inside ambient temperature of the facility falls below fifty (50) degrees Fahrenheit for a period of four (4) consecutive hours and cooling shall be required when the temperature of the facility rises above eighty-five (85) degrees Fahrenheit at any given time.

(f) Be provided with natural sunlight.

(g) Shall not be housed on wire, grid or slat flooring that allows an animal's foot or toes to pass through the openings, sags under the weight of the animal, or otherwise does not protect the animal's feet or toes from harm or injury. Solid surface must be made of material that can be properly sanitized and must be large enough for the animal to lie on its side with limbs fully stretched without hanging over solid surface. If multiple animals are housed together solid surface must be large enough for each animal to

**fully stretch out without overlapping each other and not hang off solid surface.**

(3) If the ~~d~~ **Dogs** and/or cats **that** are kept or maintained outside a building **must be a breed suitable for living outdoor and** the following shall exist for each animal:

(a). A shelter of sufficient size to permit such animal to stand up and turn around inside when full grown shall be provided at all time **and have constant access to a 4 foot by 10 foot covered run.**

(b). The shelter shall have four sides, a roof, floor and bedding. The shelter shall be placed to provide shade from the sun and protection from the weather.

(c). The shelter shall be placed in the rear yard.

(d). The shelter shall be placed at least ten feet from all property lines, ~~except where there is an alley.~~

(e) ~~A dog shall be deemed to be housed outside if said dog is outside for more than eight hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. and 7:00 a.m.~~ **The surface around the shelter should drain away from the animal so that water cannot pool and cause the animal to be constantly wet. There must be a solid surface that can be sanitized and appropriate to the size of the animal so it may lie on it's side able to fully stretch it's limbs without hanging over the edge of the hard surface.**

**(f). A tether cannot be the sole means of containing the animal to the shelter**

**(g) A dog shall be deemed to be housed outside if said dog is outside for more than eight hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. and 7:00 a.m.**

(4) The dogs and/or cats shall be prevented from running at large.

(5) The dogs and/or cats shall be prevented from causing a nuisance.

(6) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.

(7) ~~Each day a person fails to comply constitutes a separate offense(s).~~ **Separate sick and or aggressive animals from well animals.**

**(8) Intact males and females shall be housed separately unless a planned breeding is taking place.**

**(9) Nursing mothers and litters are to remain co-located, but separate from other animals until the litter is at least eight (8) weeks of age.**

**(10) All deceased animals are to be properly disposed of within twenty-four(24) hours and in accordance with IL State Law.**

**(11) Each day a person fails to comply constitutes a separate offense(s).**

(d) *Reporting requirements.* All licensed breeders shall cooperate and provide information to the administrator including sales, adoptions, source, dispositions, number of litters, microchip numbers and ownership of dogs or cats, a minimum of one time annually **by November 15 or the first business day if the 15<sup>th</sup> falls on the weekend** or as requested by the Kankakee County Animal Control Department.

**(1) If the report is not filed a late fee of \$100.00 will be assessed on the 31<sup>st</sup> day past the report date and an additional \$100.00 will be assessed for each additional 30 day period that the report remains unfiled.**

**(2) If after six months there has been no report filed, the license shall be suspended and all animals will be turned over the Animal Control.**

**(3) All late fees must be paid in full before the breeder's license is issued.**

(e) *Adjudication of offenses.* The adjudication of all section 10-3 code offenses shall be before the Twenty First Judicial Circuit Court, or alternatively, before a hearing officer under authority and procedures within article VI sections 2-435 to 2-454 of the County Code at the discretion of the animal control administrator upon the advice of the states attorneys office.

(f) The penalty for violating of any portion of section 10-3 shall be a minimum fine of ~~\$25.00~~ **\$100.00 for the first offense and a minimum of \$200.00 for the second offense** and all fines shall be consistent with the section of this code related to fines and penalties

**(g) Fee for a Breeder license fees shall be:**

**(1) For the purpose of calculating fees, animal is defined as a breedable adult male and/or female dog or cat four (4) months or older.**

**(2) Application and inspection fee of ~~\$200.00~~**

**(a) Up to ten (10) animals - ~~\$50.00~~**

**(b) 11-20 animals - ~~\$100.00~~**

**(c) 21-49 animals - ~~\$200.00~~ \$500.00**

**(d) 50 or more animals - ~~\$500.00~~ \$1000.00**

**(3) Inspection fee for annual license- amount based on number of animals in the annual report filed that year or report filed at least 45 days before expiration of license:**

**(a) Up to ten (10) animals - ~~\$50.00~~**

**(b) 11-20 animals - ~~\$100.00~~**

**(c) 21-49 animals - ~~\$200.00~~ \$500.00**

**(d) 50 or more animals - ~~\$500.00~~ \$1000.00**

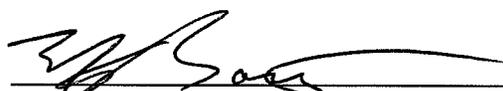
**(4) If at the time of inspection the number of animals present is greater than the number reported, the breeder shall pay the additional fee amount before the license is issued.**

**(5) Inspection associated with a complaint - ~~\$100.00~~**

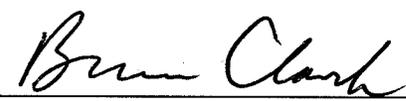
**(a) If violations are found subsequent inspections associated with a complaint increase by ~~\$100.00~~ each inspection.**

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the Kankakee County Board that this ordinance shall become effective immediately, and that all ordinances, resolutions, or motions or any parts of ordinances, resolutions or motions in conflict herewith are, to the extent of such conflict, hereby repealed.

**PASSED and ADOPTED this 14<sup>th</sup> day of July, 2015.**

  
\_\_\_\_\_  
Michael Bossert, County Board Chairman

ATTEST:

  
\_\_\_\_\_  
Bruce Clark, County Clerk