

CHAPTER 172: ANIMALS

Section

- 172.01 Administration
- 172.02 Definitions
- 172.03 Education on animal care and control
- 172.04 Bite reporting and investigation
- 172.05 Confinement and observation of biting animals
- 172.06 Rabies vaccination and companion animal registration
- 172.07 Dogs, cats, and other animals running at large
- 172.08 Impoundment of dogs, cats, and other animals
- 172.09 Redemption of impounded dogs, cats, and other animals
- 172.10 Disposal of unclaimed animals
- 172.11 Dogs and cats in heat
- 172.12 Dangerous, vicious and animal-aggressive dogs
- 172.13 Owner's duties and cruelty to animals
- 172.14 Barking or howling dogs
- 172.15 Limits on number of dogs and cats per residence
- 172.16 Violations
- 172.17 Interpretation and conflict
- 172.99 Penalty

§ 172.01 ADMINISTRATION.

(A) Title. This chapter shall be known as the "Animal Care and Control Ordinance of the County of Lake," hereinafter referred to as "this chapter."

(B) Intent.

- (1) This chapter is enacted in order to define procedures for:
 - (a) The prevention and control of human and animal rabies;
 - (b) Reporting and investigating animal bites;

(c) Confining and/or impounding biting animals, and for referring bitten persons to appropriate health entities;

(d) Requiring the rabies vaccination of dogs and cats, the provision of vaccination certificates and rabies tags, and the registration of dogs and cats with the Lake County Board of Health;

(e) Prohibiting the running at large of domestic animals and livestock;

(f) Persons who cruelly treat or neglect animals;

(g) The control of barking or howling dogs;

(h) The control of dangerous, animal-aggressive and vicious dogs;

(i) Providing assistance to municipalities through contractual arrangements;

(j) Contracts with Attorneys; requiring veterinarians to provide dog and cat registrations and tag sales;

(k) Control of domestic animals;

(l) Limiting the number of dogs and cats per residence; and

(m) Providing for enforcement and assigning penalties for violation of this chapter.

(2) The County of Lake recognizes the great hazard of rabies and therefore, in order to protect the health and safety of the people of Lake County and of the general public, the Lake County Board of Health is authorized and directed to promulgate this chapter as approved by the County Board as may enable it to carry out the provisions of this chapter.

(C) Scope/referenced materials. This chapter adopts by reference the Illinois Animal Control Act (510 ILCS 5/1 *et seq.*), the Illinois Humane Care for Animals Act (510 ILCS 70/1 *et seq.*), the Illinois Animal Welfare Act (225 ILCS 605/1 *et seq.*), and the Illinois Domestic Animals Running at Large Act (510 ILCS 55/1 *et seq.*), three copies of which are on file with the Lake County Clerk and at all Lake County Health Department locations. All matters pertaining to the health and/or safety of the animals and human residents of the County of Lake shall be administered and enforced in accordance with these referenced Acts, this chapter, and the Lake County Animal Care and Control Program Administrative Procedures and Policies.

(D) Authority to enter properties. For the purpose of carrying out the provisions of this chapter, the Health Officer, after providing identification to any person(s) present on the property, and subject to constitutional limitations, shall have the authority to enter any property where animals are kept or harbored at any reasonable time, and shall also have the authority to ascertain by observation and/or inquiry of the vaccination and/or registration status of a dog or cat.

(E) Administrator of the Animal Care and Control Program. The Lake County Health Department, acting under the direction of the Lake County Board of Health and the County Board and its Chair shall appoint an Administrator of the Animal Care and Control Program in accordance with the requirements of the Illinois Animal Control Act. The Administrator shall enforce and abide by all sections of this chapter. Such appointments shall be made as necessary to keep this position filled at all times. For the purposes of the enforcement of this chapter, the term ADMINISTRATOR shall mean the "Administrator or their designee."

(F) Credentials. The Health Officer and authorized representatives shall carry proper credentials of their respective office in the performance of duties under this chapter.

(G) Exemption from liability. The Health Officer, or other persons authorized to enforce the provisions of this chapter, shall not be held liable for the injury, death or disease which may occur to any dog, cat or other animal as a consequence of the enforcement of the provisions of this chapter.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013; Ord. 22-0673, passed 5-10-2022)

§ 172.02 DEFINITIONS.

Where terms are not defined by this section, such terms shall have the meanings as ascribed in the Acts referenced in this chapter; undefined terms shall have ordinarily accepted meanings such as the context implies.

ANIMAL. A non-human living creature that may be affected by rabies. For the purposes of the enforcement of this chapter, ANIMAL also includes livestock and domestic pets that may not be affected by rabies.

ANIMAL-AGGRESSIVE DOG. A dog that, without justification, causes serious physical injury or death to another owned companion animal.

BOARD OF HEALTH. The Lake County Board of Health or its authorized representative.

COMPANION ANIMAL. An owned domestic dog or cat.

CONTROL. (1) Securing an animal by a leash or lead; (2) confining an animal on the premises of its owner or on the premises of a person allowing the animal's presence; or (3) confining an animal in an enclosure, i.e. a crate, cage, or other confined space, including a vehicle.

HEALTH OFFICER. The Executive Director of the Lake County Health Department, or their designee.

LIVESTOCK. An animal including, but not limited to, bison, burro, cattle, donkey, emu, fowl, geese, goats, horse, llama, mule, ostrich, pony, sheep, or swine.

PREMISES. A piece of land and the buildings on it.

RUNNING AT LARGE. Any circumstance in which an animal is not under control as established in this chapter.

STRAY. An animal found running at large that does not have an owner.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.03 EDUCATION ON RABIES AND ANIMAL CARE AND CONTROL.

The Animal Care and Control Program shall provide education on animal and rabies control including a minimum of three distinct annual programs involving youth education, education of the general public, education of public officials, and education of health officials.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.04 BITE REPORTING AND INVESTIGATION

(A) Initial bite report. A person having knowledge that a person has been bitten by an animal shall notify the Health Officer immediately by telephone, fax, email, in person, or other form of immediate communication.

(B) Bite report confirmation. Bite reports shall be confirmed in writing to the Health Officer on forms provided by the Health Officer.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

(A) § 172.05 CONFINEMENT AND OBSERVATION OF BITING ANIMALS Confinement and observation requirements.

Upon receipt of a bite report the Health Officer shall notify an owner of the requirement for confinement and observation of the biting animal, and the place of confinement.

(1) Hospital confinement and observation. It shall be the duty of an owner of a biting animal, upon receiving notice from the Health Officer, to deliver the animal within 24 hours to a licensed veterinarian for confinement and rabies observation. The confinement and observation shall be for a period of not less than ten days from the date the bite occurred, and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. A licensed veterinarian confining and observing the biting animal shall report to the Health Officer that the animal has been presented for confinement and observation immediately by telephone, fax, email, in person, or other means of immediate communication. Within 24 hours after the end of confinement and observation period, the licensed veterinarian shall report to the Health Officer the disposition of the animal on forms provided by the Health Officer. An owner of a biting animal is responsible for all costs associated with its confinement and observation.

(2) Home confinement and observation. The Health Officer may allow confinement of a biting animal on the premises of its owner (home confinement) when the animal's rabies vaccination status is current, when the Deputy Administrator approves home confinement, or in accordance with other provisions in this chapter. The confinement and observation shall be for a period of not less than ten days from the date the bite occurred, and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. Within 24 hours after the end of confinement and observation period, the licensed veterinarian shall report to the Health Officer the disposition of the animal on forms provided by the Health Officer. If the biting animal escapes from home confinement during the ten-day confinement period, the owner shall immediately apprehend it and deliver it to a licensed veterinarian for hospital confinement and observation, at the expense of the owner, for the remainder of the confinement and observation period. An owner of a biting animal is responsible for all costs associated with its confinement and observation.

(3) Unowned dogs and cats. A biting dog or cat that is not owned shall be subject to the confinement and observation requirements of this chapter, with the exception of the provisions of § 172.05 (C). Applicable fees may be assessed in accordance with the current fee schedule adopted by the County Board as codified in § 178.01 and the Lake County Animal Care and Control Program Administrative Procedures and Policies.

(B) Vaccination prior to release from confinement. At the expense of the owner, a biting dog or cat four months or older not currently vaccinated against rabies, as provided elsewhere in this chapter shall be vaccinated against rabies prior to being released from confinement.

(C) Microchipping ~~prior to~~ after release from confinement. At the expense of the owner, if not already implanted, a biting dog or cat shall be microchipped within 30 days after being released from confinement, and the owner shall provide written verification of the procedure to the Health Officer.

(D) Specimen submission in lieu of confinement. When a biting animal cannot be confined for observation for any reason, the biting animal shall be humanely euthanized and the animal's brain shall be submitted to a recognized laboratory for rabies testing. If a biting animal dies during the period of confinement and observation, the animal's brain shall be submitted to a recognized laboratory for rabies testing.

(E) Animal to animal bites.

(1) Companion animal to companion animal bites. When a companion animal bites another companion animal, the biting animal shall be confined and observed in accordance with subsection (A)(2) above.

(2) Companion animal to livestock bites. When a companion animal bites livestock, the biting animal may be confined and observed in accordance with subsection (A)(2) above in accordance with the written recommendations of the Deputy Administrator.

(3) Companion animal to wildlife bites. When a companion animal bites wildlife, the biting animal may be confined and observed in accordance with subsection (A)(1) or (A)(2) above in accordance with the written recommendations of the Deputy Administrator.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.06 RABIES VACCINATION AND COMPANION ANIMAL REGISTRATION

(A) Vaccination. Every owner of a dog or cat four months or more of age shall have the dog or cat that is not medically exempt vaccinated against rabies by a licensed veterinarian. Every dog or cat shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. If a licensed veterinarian establishes in writing that a rabies inoculation would compromise a dog or cat's health, then the dog or cat shall be exempt from the rabies inoculation requirement.

(B) Vaccination certification, registration. A licensed veterinarian who vaccinates the dog or cat of a Lake County resident against rabies shall provide documentation of the vaccination on a certificate form approved by the Health Officer. The licensed veterinarian shall issue a numbered registration tag, procured from the Health Officer, with each vaccination certificate. Only one dog or cat shall be included on each certificate. The licensed veterinarian shall submit records of all rabies vaccinations to the Health Officer monthly. (1) Registration tag not issued at time of vaccination. If a registration tag is not issued at the time a dog or cat is vaccinated against rabies (e.g., if the owner refuses to obtain the tag from the veterinarian, or if the veterinarian is located outside the County of Lake), the owner must register the dog or cat within 30 days after the vaccination. The owner must present an approved, properly completed vaccination certificate issued by the veterinarian who administered the vaccination. In accordance with this chapter, the Health Officer shall furnish the owner with a registration tag, the duration of which shall coincide with the period of vaccination .

(2) Medical exemption. When a licensed veterinarian provides written documentation that a rabies vaccination would compromise a dog or a cat's health, the Health Officer shall determine the dog or cat to be exempt from the rabies vaccination requirement. The owner must register the dog or cat as medically exempt within 30 days after the determination. The Health Officer shall furnish the owner with a medically exempt registration tag, which shall be valid for a period of one year.

(C) Registration tag fees. The fee for a registration tag shall be assessed in accordance with the current fee schedule adopted by the County Board as codified in § 178.01. A veterinarian may charge pet owners a service fee, not to exceed \$2, for each registration tag issued. All registration tag fees collected by a veterinarian shall be submitted to the Health Officer monthly.

(D) Registration requirements for new county residents. The Health Officer shall honor a registration tag and vaccination certificate issued by another county in Illinois for a dog or cat owner that has established residence in Lake County during the duration of the vaccination period. New residents to Lake County from outside Illinois who own a dog or cat, four months of age or older, shall register the dog or cat with the Health Officer within 30 days after establishing residence in Lake County.

(E) Evidence of registration. An owner of a dog or cat that is four months of age or older shall assure that the dog or cat wears a registration tag on a collar or harness at all times, except when the dog or cat is on the owner's premises. ,

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.07 DOGS, CATS, AND OTHER ANIMALS RUNNING AT LARGE.

(A) Control, running at large. An owner or harbinger of a dog, cat, or other animal shall control the animal when it is not on their premises.. A dog, cat, or other animal found running at large contrary to provisions of this chapter may be apprehended and impounded. A dog or cat found running at large contrary to the provisions of this chapter a second or subsequent time must be sterilized within 30 days after being reclaimed, unless already sterilized, and the owner shall provide written verification of the procedure to the Health Officer. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large when the dog is on land that is open to hunting, or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.08 IMPOUNDMENT OF DOGS, CATS, AND OTHER ANIMALS.

Dogs, cats, and other animals shall be impounded as required by, and in accordance with the requirements of this chapter and the Acts adopted by reference.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.09 REDEMPTION OF IMPOUNDED DOGS, CATS, AND OTHER ANIMALS.

The owner of a dog, cat, or other animal that has been impounded shall be responsible for complying with the redemption requirements of this chapter and the Act adopted by reference in this chapter. Prior to redeeming the animal, the owner is responsible for paying all applicable fees assessed as a result of the impoundment, and for any other outstanding medical fees or costs associated with the animal. When an unowned dog or cat has been impounded, applicable fees may be assessed in accordance with the current fee schedule adopted by the County Board as codified in § 178.01 and the Lake County Animal Care and Control Program Administrative Procedures and Policies.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.10 DISPOSAL OF UNCLAIMED ANIMALS.

At the discretion of the Administrator, an unclaimed animal may be humanely dispatched or otherwise disposed as provided for in the Humane Euthanasia in Animal Shelters Act (510 ILCS 72/1 *et seq.*). An “unclaimed animal” is as provided for in this chapter, under Animal Care and Control adopted Policies and Procedures, or the Animal Control Act. A fee may be established and assessed to the owner for such services by the current fee schedule adopted by the County Board as codified in § 178.01.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.11 DOGS AND CATS IN HEAT.

When a dog or cat in heat is not kept inside its owner’s residence, the owner shall confine the dog or cat in a secure manner, such as in a physically fenced yard or run, during the entire period the dog or cat is in heat, except that it shall be lawful for a dog or cat in heat to be walked if the dog or cat remains on a leash.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.12 DANGEROUS, VICIOUS AND ANIMAL-AGGRESSIVE DOGS.

- (A) Dangerous and/or vicious dog determinations and requirements. The determination that a dog is vicious or dangerous shall be made in accordance with the requirements of the Illinois Animal Control Act and this chapter. Any associated enforcement shall proceed in accordance with the requirements of the Illinois Animal Control Act, this chapter and the current fee schedule adopted by the County Board as codified in § 178.01.
- (B) Animal-aggressive dog determinations and requirements. The determination that a dog is animal-aggressive, and any associated enforcement, shall proceed in accordance with the requirements of this chapter.

- (1) Initiation and conduct of animal-aggressive dog investigations. When the Health Officer has received evidence that a dog has behaved in a manner that may meet the standards established in this chapter for an animal-aggressive determination, the Health Officer shall initiate an investigation into the matter. The investigation shall include: (a) sending, within three business days of the Health Officer becoming aware of the alleged infraction, notification to the owner of the alleged infractions, the fact that an investigation has been initiated, and affording the owner an opportunity to meet with the Health Officer ; (b) gathering medical and/or veterinary evidence; (c) interviewing witnesses or receiving witness statements; and (d) making a detailed written report. After the investigation has been completed, the Health Officer may deem a dog to be animal-aggressive, as set forth in subsection (B)(3) below.
- (2) Animal-aggressive dog impoundments. When an investigation into an animal-aggressive determination has begun, if the dog that is the subject of the investigation is not already in hospital confinement for rabies observation, the dog shall be immediately impounded and confined by the Health Officer during the pendency of the determination and its disposition by the Health Officer, pursuant to the provisions of this chapter. Depending on the severity and nature of the attack that caused the initiation of the animal-aggressive dog investigation, the Health Officer may require the immediate impoundment of the dog.
- (3) Animal-aggressive dog determinations and notification.

(a) The Health Officer shall determine a dog to be animal-aggressive when the dog is shown by clear and convincing evidence to have caused serious physical injury or death to a companion animal, without justification. A dog shall not be declared animal-aggressive if the Health Officer determines the conduct of the dog was justified because the seriously injured or killed animal was attacking or threatening to attack the dog or its offspring, the dog was responding to pain or injury, or the dog was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring. The Health Officer may seek, or the owner may provide information from a certified applied animal behaviorist or other recognized animal behavior expert in making the determination of whether the dog's behavior was justified pursuant to the provisions of this section.

(b) When a dog is determined to be animal-aggressive, the owner shall be served written notification of the determination by the Health Officer within 24 hours. The notification shall include the determination of the finding and the disposition requirements as established by the Health Officer. The notification shall also include a description of the steps the owner is required to take based on the determination, as well as the process to seek review of the disposition or appeal the determination.

(4) Animal-aggressive dog dispositions. In the provision of an animal-aggressive determination notification pursuant to subsection (B)(3) above, the Health Officer shall, based upon the evidence of the severity of the attack and/or previous history of other similar attack(s), determine the disposition of the dog, which may include any one or a combination of the following requirements:

(a) Enforcement of any or all of the requirements of a dangerous dog determination pursuant to subsection (A) above, with the exception of the public safety fine;

(b) Requiring that the dog be kept in an enclosure approved by the Health Officer, and only allowed out of the enclosure to obtain veterinary care, in case of emergency where the dog's life is threatened, or to comply with an order of the court;

(c) Requiring that the dog be kept in an enclosure approved by the Health Officer whenever the dog is on the owner's premises, but outside the owner's residence;

(d) Requiring that the dog be kept in a fenced yard approved by the Health Officer whenever the dog is on the owner's premises, but outside the owner's residence;

(e) Requiring the dog to be muzzled whenever it is outside the owner's residence 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;

(f) Requiring the dog to be under control by leash or lead whenever it is outside the owner's residence;

(g) Humanely euthanizing the dog;

(h) Payment of the annual registration fee established in accordance with the current fee schedule adopted by the County Board as codified in § 178.01.

(5) Animal-aggressive dog disposition review. The owner of a dog determined to be animal-aggressive may request a review of the disposition of the dog by contacting the Health Officer, within three business days from the date of the notification of the determination and disposition. The Health Officer shall hold a review hearing within seven business days after receiving the request to review the disposition. The Health Officer shall not sell, offer for adoption, or dispose of the dog until a final decision is rendered and all of the appeal processes have expired. If a hearing is requested by an owner of an animal-aggressive dog, the Health Officer shall, after hearing the testimony of all interested parties, render a decision within five business days regarding the disposition of the dog, and shall notify the owner in writing within 24 hours of the determined disposition. In no event shall this review process extend the time to file an appeal of the determination as set forth in subsection (B)(6) below.

(6) Animal-aggressive dog appeals. The owner of a dog determined to be animal-aggressive may seek review under the Illinois Administrative Review Law. If, however, the owner of the dog informs the Health Officer in writing that they are waiving all rights to appeal such that no appeal will be filed, the disposition set forth in the notice pursuant to subsections (B)(3) and (B)(4) above may be carried out. Until such time, the Health Officer shall not sell, offer for adoption, or dispose of the dog until a final decision is rendered and the appeal process has expired. The owner is responsible for all impoundment fees/costs as set forth in subsection (B)(7) below during this timeframe.

(7) Animal-aggressive impoundment fees/ costs. The owner of a dog that has been impounded as the result of the initiation of an animal-aggressive determination investigation shall be responsible for all costs associated with boarding and caring for the dog during the entirety of the investigation, determination, disposition and appeal process.

(8) Applicability of animal-aggressive dispositions to a new owner. No owner of a dog determined to be animal-aggressive may sell, offer for adoption, or give away the dog without approval from the Health Officer. The Health Officer shall grant approval for the transfer of the dog after the prospective new owner has been issued a revised disposition that names the new owner as the person responsible for meeting the requirements of the original disposition.

(9) Animal-aggressive disposition notification. If an owner of a dog that is determined to be animal-aggressive relocates to another jurisdiction, they shall notify the Health Officer, and shall also notify the Administrator of Animal Control in the jurisdiction to which they are relocating.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013; Res. passed 2-10-2015; Ord. 19-1208, passed 8-13-2019)

§ 172.13 OWNER'S DUTIES AND CRUELTY TO ANIMALS; IMPOUNDMENTS.

(A) Requirements. The requirements pertaining to owner's duties and the humane care and treatment of animals shall be as set forth in the Illinois Humane Care for Animals Act and this chapter.

(1) Impoundments. When the conditions for impoundment pertaining to owner's duties and the humane care and treatment of animals established in the Illinois Humane Care for Animals Act are met, the Health Officer is authorized to impound an animal in accordance with this chapter and with the applicable impoundment provisions of the Act.

(2) Fees. The fees associated with impoundments shall be assessed in accordance with the current fee schedule adopted by the County Board as codified in § 178.01, and shall also include the cost of required medical services provided.

(B) Impoundment appeals and hearings. A person alleged to have violated the Illinois Humane Care for Animals Act regarding owner's duties and/or the humane care and treatment of animals may request a hearing with the Board of Health Hearings Committee in accordance with §§ 176.15 through 176.17 to appeal an impoundment that results from the enforcement of this section. Any person desiring a hearing shall submit a request for a hearing to the Health Officer within seven business days from the date of the impoundment, and the Board of Health Hearings Committee shall hold an appeal hearing within ten business days after receiving the request to appeal the impoundment. Until all of the appeal processes have expired, the Health Officer shall not sell, offer for adoption, or dispose of the animal(s) If a hearing is requested by an owner of an impounded animal, the Board of Health Hearings Committee shall, after hearing the testimony of all interested parties, render a decision within ten business days regarding the disposition of the impounded animal. This decision by the Board of Health Hearings Committee shall have no effect on the criminal charges that may be filed with the appropriate authorities. When an owner requests a hearing to appeal an impoundment of an animal by the Health Officer, the owner shall not be responsible for boarding fees for the animal from the date the Health Officer receives the request until the date of disposition of the animal.

(1) *Conduct of hearing.* The hearing shall be conducted before the Board of Health Hearings Committee. The animal owner and/or their attorney may present and submit evidence in defense, and any other persons, including the Health Officer, may submit evidence to sustain the grounds for the impoundment. Within 10 business days after the close of the hearing, the Board of Health Hearings Committee, having considered the record made at the hearing, shall render a decision in writing, setting forth the reasons for the decision.

The action taken by the Board of Health Hearings Committee shall be final and shall be subject to judicial review. A court reporter shall be present to create a record and transcript of the hearing.

- (2) *Fees.* A fee for a hearing request shall be in accordance with the current fee schedule adopted by the County Board as codified in § 178.01 and shall be submitted by the animal owner with the request.

We (Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.14 BARKING OR HOWLING DOGS.

No owner shall allow a dog to bark or howl in a manner that a reasonable person would consider to be a disturbance of the peace or quiet. Conditions or actions that may constitute a disturbance of the peace or quiet include, but are not limited to, a dog barking or howling in an excessive or habitual manner.

(A) For the purposes of this section, habitual shall refer to barking or howling that repeatedly occurs on multiple days.

(B) The term excessive shall have the ordinarily accepted meaning, applied in the context of time and place.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.15 LIMITS ON THE NUMBER OF DOGS AND CATS PER RESIDENCE.

(A) Dogs, cats: maximum number allowed. A maximum of four dogs and four cats of an age greater than six months may be owned, kept, or harbored in an individual residence. For the purposes of this section, an individual residence includes both single family dwellings and each individual dwelling unit within multi-unit housing structures. Owners and/or landlords of multi-unit housing structures, condominium associations, or other such authorities, however, may further limit the number of animals in those structures and/or units.

(1) Disallowance of age exemption for dogs or cats due to improper care or treatment. When an owner of dogs or cats is maintaining and/or treating any of those animals in a manner that results in a citation or citations for violating §172.13 (A), dogs and cats aged six months or younger shall not be exempted from being counted toward the maximum number allowed as stipulated in division (A) above. In these cases, dogs and cats of all ages owned, kept or harbored shall be counted for the purposes of enforcing this chapter.

(a) Penalties for violations of the maximum number of dogs and cats allowed. When a notice of ordinance violation ticket is issued for the violation of the maximum number of dogs or cats allowed in accordance with division (A)(1) above, the penalty fee established in the current fee schedule adopted by the County Board as codified in § 178.01 shall apply to each of the dogs or cats aged six months or younger.

(B) Multiple Pet Permits. On properties larger than one and one-half acres, and subject to zoning and/or use restrictions on the property, the Health Officer may approve a Multiple Pet Permit, allowing the holder of the permit to own, keep, or harbor five or more dogs and five or more cats of an age greater than six months in any individual residence on the property, providing the owning, keeping or harboring of these animals does not meet the requirements for a license in accordance with the Illinois Animal Welfare Act.

(1) Applications. Applications by individuals for Multiple Pet Permits shall be made to the Health Officer on forms provided by the Health Officer, and shall be accompanied by the required fee as set by the current fee schedule adopted by the County Board as codified in § 178.01.

(2) Application Conditions. The application for a Multiple Pet Permit shall contain information that indicates the following:

(a) A minimum distance of 150 feet is maintained from pet related dwellings, structures or enclosures (homes, sheds, dog houses, dog runs, barns, lean-tos) to dwellings other than those of the applicant.

(b) The number of dogs and/or cats proposed to be covered under the Multiple Pet Permit, along with the name and a description of each dog and/or cat.

(c) Proof of current rabies vaccination and registration for each dog and/or cat four months of age or older.

(3) Inspections. The Health Officer shall inspect the premises annually where the multiple dogs and/or cats are kept or harbored to determine the number of permitted pets, and for sanitary conditions, proper ventilation, adequate nutrition, humane care and treatment, including required rabies vaccinations and registrations for all the dogs and/or cats.

(4) Term of permit. Each Multiple Pet Permit shall be valid for one calendar year, and shall expire on December 31 of each year. When a permit is issued during a calendar year, the permit shall be valid for the duration of that calendar year.

(5) Conditions to revoke, refuse to issue or renew a permit. The Health Officer may revoke, refuse to issue or renew a Multiple Pet Permit when the applicant or permit holder:

(a) Makes a material misstatement in the application for a new permit or in the application for a renewal permit;

(b) Does not abide by the conditions of the permit, including exceeding the number of permitted dogs and/or cats, violating other provisions of this chapter or any other applicable Lake County ordinance or regulation, or having a prior history of violation of this chapter;

(c) Willfully aids or abets another in the violation of this chapter;

(d) Allows the permit to be used by another person;

(e) Refuses to allow the Health Officer to conduct the required annual inspection.

(6) Exemptions. Operations licensed in accordance with the Illinois Animal Welfare Act are exempt from this section.

(7) Revocation of a Multiple Pet Permit. When the holder of a Multiple Pet Permit violates conditions specified in subsection (B) of this section, the Health Officer may issue notice of intent to revoke the Multiple Pet Permit.

(a) Revocation notice. The notice of intent to revoke the Multiple Pet Permit shall be in writing and shall be hand-delivered or mailed to the permit holder by certified or registered mail. The notice shall contain information as follows:

i. A statement that the permit will be revoked, and that the pet owner will no longer be exempted from the requirements of § 172.15 (A) in ten calendar days if the pet owner does not request a hearing with the Board of Health Hearings Committee.

ii. An explanation of the reason for the revocation of approval.

iii. An outline of action required to reinstate the approval, if the revocation becomes final.

iv. An explanation of rights and procedures for a hearing to be conducted in accordance with the Board of Health Hearings Committee in accordance with Lake County Code of Ordinances Chapter 176, §§ 176.15 through 176.17.

(b) Hearing request. A person who has received notice of the intent to revoke their Multiple Pet Permit may request a hearing with the Board of Health Hearings Committee, provided that the request is submitted in writing within ten days from receipt of the notice.

i. Conduct of hearing. The hearing shall be conducted before the Board of Health Hearings Committee. The Multiple Pet Permit holder and/or their attorney may present and submit evidence in defense, and any other persons, including the Health Officer, may submit evidence to sustain the grounds for the impoundment. Within ten business days after the close of the hearing, the Board of Health Hearings Committee, having considered the record made at the hearing, shall render a decision in writing, setting forth the reasons for the decision. The action taken by the Board of Health Hearings Committee shall be final and shall be subject to judicial review. A court reporter shall be present to create a record and transcript of the hearing.

ii. Fees. A fee for a hearing request shall be in accordance with the current fee schedule adopted by the County Board as codified in § 178.01 and shall be submitted with the request.

(c) Failure to request hearing. Unless the Health Officer receives a timely request for a hearing, the revocation of the Multiple Pet Permit shall be considered final.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013; Res. 18-0398, passed 4-10-2018; Am. Ord. 19-1208, passed 8-13-2019)

§ 172.16 VIOLATIONS.

(A) Notices of apparent violation; warnings of ordinance violation. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Health Officer shall give notice or warning of the alleged violation to the owner and/or the person who is alleged to have committed this violation. The notice or warning shall:

- (1) Be in writing;
 - (2) Include a statement of the reasons for the issuance of the notice;
 - (3) Allow reasonable time as determined by the Health Officer for the performance of any act it requires;
 - (4) Be served upon the alleged violator; provided that the notice or order shall be deemed to have been properly served upon the alleged violator when a copy thereof has been sent by United States mail to their last known address as furnished to the Health Officer; or, when they have been served with such notice by any other method authorized by the laws of the State of Illinois; and
 - (5) Contain an outline of the remedial action that is required to affect compliance with this chapter.
- (B) Notice of ordinance violation tickets. As an alternative remedy to any other remedy that may be available in this chapter, the Health Officer may, when an owner violates the provisions of this chapter, issue a Notice of Ordinance Violation ticket in accordance with the provisions of the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66). The ticket shall identify the violation for which it is being issued, the corresponding fine/fee amount as established by the current Animal Care and Control fee schedule adopted by the County Board as codified in § 178.01, and require the alleged violator to appear before the county's administrative hearing officer or provide the alleged violator the option to admit liability and pay the established fine/fee in lieu of appearing before the county's administrative hearing officer. An additional late fee, as established by the current fee schedule adopted by the County Board as codified in § 178.01 or the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66) may be assessed for Notice of Ordinance Violation tickets not paid within the time frame established in the applicable ordinance.

Violations that are subject to the issuance of a Notice of Ordinance Violation ticket are:

- (1) Failure to confine a biting animal within 24 hours after receiving notification that confinement and observation is required;
- (2) Failure to perform owner's duties, or cruelty to animals;
- (3) Failure to have a dog or cat vaccinated against rabies in accordance with the requirements of this chapter;
- (4) Animal(s) running at large;
- (5) Barking or howling dog(s);
- (6) Dog or cat in heat not under control;
- (7) Failure to register a dog or cat in accordance with the requirements of this chapter;

(8) Failure to have a dog or cat wear evidence of rabies vaccination in accordance with the requirements of this chapter;

(9) Failure to sterilize a dog or cat or to provide written verification of a sterilization procedure as specified in § 172.07(A);

(10) Violation of the maximum number of cats and/or dogs allowed in a residence;

(11) Failure to comply with any of the requirements of a dangerous dog, animal-aggressive dog, or vicious dog determination and/or disposition;

(12) Failure to microchip a biting dog or cat released from rabies confinement and observation as specified in § 172.05(C); and

(13) Violation of, or failure to comply with any other provision of this chapter.

(C) Witnessed-based Notice of Ordinance Violation tickets. If a complainant alleges a violation of (B)(2), (B)(4), or (B)(5) of this section, the Health Officer may issue a witness-based Notice of Ordinance Violation ticket when the complainant:

(1) establishes and provides sufficient evidence and documentation of the alleged violation;

(2) signs witness-based Notice of Ordinance Violation ticket specifying the date(s) and time(s) of the alleged violation; and

(3) agrees to appear to testify at the appointed Administrative Adjudication Hearing date and time.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013; Res. 18-0398, passed 4-10-2018)

§ 172.17 INTERPRETATION AND CONFLICT.

(A) Minimum requirements. The provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. Whenever a provision of this chapter or any other applicable provisions of law, whether set forth in this chapter or any other applicable provisions of law imposes overlapping or contradictory regulations or contains restrictions covering similar subject matter, the provision which imposes higher standards or requirements for the promotion of public health and safety of the people of Lake County shall prevail.

(B) Compliance. Compliance with this chapter does not release persons from compliance with applicable State of Illinois or local ordinances or regulations governing animals and/or the control of rabies.

(C) Partial validity, savings clause. If any provision of this chapter or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid portion or application and, to this end, the provisions of this chapter are declared to be severable. Should any section, clause or provision of this

chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so declared to be invalid.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)

§ 172.99 PENALTY.

Except as where a fine is specifically provided for by law, a person who violates any section or provision of this chapter, or who violates any determination or order of the Health Officer under this chapter shall be subject to a fine up to \$1,000 per violation or occurrence. Each day that a violation exists shall constitute a separate offense. The Lake County State's Attorney or the Attorney General shall bring such action in the name of the County of Lake or the People of Illinois, or may, in addition to other remedies provided in this chapter, bring action for an injunction to restrain such violation.

(Ord. [Bd of Health Ord., Art. X], passed 11-9-1976; Ord. [Bd of Health Ord., Art. X], passed 4-10-1979; Ord. [Bd of Health Ord., Art. X], passed 10-9-1984; Ord. [Bd of Health Ord., Art. X], passed 12-20-1984; Ord. [Bd of Health Ord., Art. X], passed 6-11-1990; Ord. [Bd of Health Ord., Art. X], passed 1-10-1995; Ord. [Bd of Health Ord., Art. X], passed 11-12-1996; Ord. [Bd of Health Ord., Art. X], passed 3-15-2011; Ord. [Bd of Health Ord., Art. X], passed 1-15-2013)