

CHAPTER 172: ANIMALS

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§ 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 inoculation 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 dogs;
 - (h) The control of dangerous, animal-aggressive or vicious animals;
 - (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; and
 - (m) Providing for enforcement and assigning penalties for violation of this chapter.

(2) The County of Lake recognizes the great hazard of human and animal 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, the Illinois Humane Care for Animals Act, the Illinois Animal Welfare Act, the Illinois Dangerous Animals Act and the Illinois Dead Animal Disposal Act, 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 inoculation and/or registration status of an animal.

(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 his or her 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)

§ 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 or shall have ordinarily accepted meanings such as the context implies.

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

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

CONTROL. The securing of any owned animal by a leash or lead, or confined within the premises or property of its owner, confined within a crate or cage, or confined within a vehicle.

GUARD ANIMAL. An animal used in a commercial business for the purpose of protection and protection security.

HEALTH OFFICER. The Executive Director of the Lake County Health Department, or an appropriate designated agent, including the Administrator.

LIVESTOCK. Includes, but is not limited to, any bison, burro, cattle, donkey, emu, fowl, geese, goats, horse, llama, mule, ostrich, pony, sheep, or swine.

OWNER. Any person having a right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, or who has it in his care, or by providing medical treatment, or acts as its custodian, or who knowingly permits it to remain on or about any premises occupied by him or her, for a period of seven days or more.

PARCEL. Any legally described piece of land.

RESIDENTIAL. Use of land that provides space for the permanent occupancy of either individuals or families within dwellings.

RUNNING AT LARGE. Any circumstance in which an animal is not under control as defined in 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)

§ 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 four 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.* Any person having knowledge that any person has been bitten by an animal shall notify the Health Officer immediately by telephone, fax, email, in person, or by means other than use of the mail.

(B) *Bite report confirmation.* Bite reports shall be confirmed in writing to the Health Officer on such forms provided by the Lake County Health Department. When a wild animal is involved in a bite, it shall be humanely dispatched and its brain shall be submitted to a recognized laboratory for rabies examination, if applicable, by the Administrator or his or her agents.

(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)

§ 172.05 CONFINEMENT AND OBSERVATION OF BITING ANIMALS.

(A) *Confinement and observation by a licensed veterinarian.* It shall be the duty of such owner of a biting animal, upon receiving notice from the Health Officer, to deliver said animal within 24 hours to a licensed veterinarian for confinement and observation for a period of ten days, at the expense of the owner. The licensed veterinarian confining and observing the biting animal shall report that the animal has been presented for confinement and observation immediately by telephone, fax, email, in person, or by means other than use of the mail. The licensed veterinarian confining and observing the biting animal shall also report the clinical condition of the animal in writing to the Health Officer within 24 hours on forms provided by the Lake County Health Department. 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 Lake County Health Department.

(B) *Confinement in a house.* If the Health Officer provides notice allowing a biting animal to be confined and observed in a house, and if during the ten-day period the animal becomes ill, dies or escapes, the owner shall immediately notify the Health Officer by telephone, fax, email, in person, or by means other than the mail. Within 24 hours of the end of the ten-day confinement period, the owner shall present the biting animal for examination by a licensed veterinarian. The licensed veterinarian shall report the clinical condition of the animal in writing to the Health Officer within 24 hours on forms provided by the Lake County Health Department. If the biting animal escapes from house confinement during the ten-day confinement period, the owner shall immediately apprehend it and deliver it to a licensed veterinarian for confinement and observation, at the expense of the owner, for the remainder of the ten-day period.

(C) *Inoculation prior to release from confinement.* At the expense of the owner, a biting animal four months or older not currently inoculated against rabies, as provided elsewhere in this chapter shall be inoculated against rabies prior to being released from confinement.

(D) *Specimen submission in lieu of confinement.* When a wild animal is involved in a bite, and/or if a biting animal is unable to be confined for observation for any reason, the biting animal shall be humanely dispatched and their brain shall be submitted to a recognized laboratory for rabies examination by the Health Officer.

(E) *Animal to animal bites; confinement and observation requirements.* When the Lake County Health Department receives a report that an animal has bitten another animal, the Health Officer may require confinement and observation of the biting animal as follows.

(1) If the biting animal is currently inoculated against rabies, it shall be confined in a house and observed for a period of ten days. Within 24 hours of the end of the ten-day confinement period, the owner shall present the biting animal for examination by a licensed veterinarian. The licensed veterinarian shall report the clinical condition of the

animal in writing to the Health Officer within 24 hours on forms provided by the Lake County Health Department. If the biting animal escapes from house confinement during the ten-day confinement period, the owner shall immediately apprehend it and deliver it to a licensed veterinarian for confinement and observation, at the expense of the owner, for the remainder of the ten-day period.

(2) If the biting animal is not currently inoculated against rabies, it shall be the duty of such owner of a biting animal, upon receiving notice from the Health Officer, to deliver said animal within 24 hours to a licensed veterinarian for examination at the expense of the owner. The licensed veterinarian examining the biting animal shall report the clinical condition of the animal in writing to the Health Officer within 24 hours on forms provided by the Lake County Health Department. After the biting animal has been examined and released by the licensed veterinarian, it shall be confined in a house and observed for a period of ten days. Within 24 hours of the end of the ten-day confinement period, the owner shall present the biting animal for examination by a licensed veterinarian. The licensed veterinarian shall report the clinical condition of the animal in writing to the Health Officer within 24 hours on forms provided by the Lake County Health Department. If the biting animal escapes from house confinement during the ten-day confinement period, the owner shall immediately apprehend it and deliver it to a licensed veterinarian for confinement and observation, at the expense of the owner, for the remainder of the ten-day period.

(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 INOCULATION AND ANIMAL REGISTRATION.

(A) *Inoculation.* Every owner of a dog or cat four months or more of age shall have each dog or cat inoculated 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) *Inoculation certification, registration.* A licensed veterinarian who inoculates the dog or cat of a Lake County resident against rabies shall provide documentation of the inoculation on a certificate form approved by the Health Officer, and shall issue a numbered registration tag, procured from the Lake County Health Department, with each inoculation certificate. Only one dog or cat shall be included on each certificate. All inoculation certificates shall be submitted to the Lake County Health Department monthly.

(1) *Registration tag not issued at time of inoculation.* If a registration tag is not issued at the time a dog or cat is inoculated 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 inoculation. The owner must present an approved, properly completed inoculation certificate issued by

the veterinarian who administered the inoculation. The Health Department will furnish the owner with a registration tag, the duration of which shall coincide with the period of inoculation.

(2) *Medical exemption.* If a licensed veterinarian establishes in writing that a rabies inoculation would compromise a dog or cat's health, and it is determined that the dog or cat is exempt from the rabies inoculation requirement, then the owner must register the dog or cat as medically exempt within 30 days after the determination. The Lake County Health Department will 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 schedule set by the Lake County Board of Health. Veterinarians may charge pet owners a service fee, not to exceed \$2, for each registration tag issued. All registration tag fees collected by veterinarians shall be submitted to the Lake County Health Department monthly.

(D) *Registration requirements for new county residents.* A registration tag and inoculation certificate issued by another county in Illinois will be honored until the expiration of the period of inoculation if a dog or cat owner has recently established residence in Lake County. New residents from outside Illinois owning or keeping a dog or cat, four months of age or older, shall register the dog or cat with the Lake County Animal Care and Control Program, within 30 days after establishing residence in Lake County.

(E) *Evidence of registration.* Every owner of a dog or cat, four months of age or older, shall provide the dog or cat with a collar or harness and attach thereto the official Lake County registration tag to be worn by the dog or cat at all times, except at such times when the dog or cat is kept inside the owner's residence, or during times when the dog or cat is receiving care or treatment that makes it necessary to remove a collar or harness. Additionally, a dog or cat that is implanted with a microchip that is kept in a secure manner, such as in a physically fenced yard or run, shall be exempt from the requirements of this section.

(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 harborer, when walking a dog, cat, or other animal on property other than that of the owner or harborer, shall control such animal with a leash. Any 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 spayed or neutered within 30 days after being reclaimed unless already spayed or neutered and the owner shall provide written verification of the spaying or neutering procedure to the Health Officer; failure to comply may result in impoundment of the animal. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if 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.

(B) *Livestock running at large.* Livestock running at large may be impounded at any site authorized by the Health Officer that is willing to accept such animal(s). The impounding facility and its owner(s) shall not be held liable for any injury or accrue any financial responsibility for such impounded animal(s). The person or persons requesting impoundment shall be held harmless of any liability for injury or for any financial responsibility for such animal(s).

(1) *Notification.* Notification of impoundment shall be given to the caretaker or owner of any livestock running at large. Such notification shall include a description of the animal(s), a description of the violation that is alleged to have occurred, any corrective actions that are required to prevent future violations, and shall also specify the time frame in which those corrective actions shall take place.

(2) *Impoundment expenses.* Any expense incurred in such impoundment shall become a lien on the impounded livestock and must be discharged before the livestock shall be released to the owner. In addition to paying all costs of the impoundment, the owner shall also provide evidence that the corrective actions, as specified in the Notice of Impoundment, have been taken prior to the release of the impounded livestock.

(3) *Forfeiture of impounded animal(s).* If the owner of any impounded livestock refuses or fails to provide evidence that the corrective actions, as specified in the Notice of Impoundment, have been taken, or if the impounded animal(s) are not claimed and incurred costs paid within ten days, such animal(s) shall become the property of the authorized impoundment site in lieu of impoundment, board and fee for service charges. (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 the Illinois Animal Control Act and 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)

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

In addition to the requirements for redemption of impounded dogs and cats as established in the Illinois Animal Control Act, the owner of any dog, cat, or other animal that has been impounded, shall be responsible for the payment of all applicable fees assessed in accordance with 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)

§ 172.10 DISPOSAL OF UNWANTED ANIMALS.

Any owner of one or more animals may relinquish the animal(s) to the Lake County Animal Care and Control Facility. At the discretion of the Administrator, the animal(s) shall be humanely dispatched or otherwise disposed. A fee may be established 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 such 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 in accordance with the requirements of the Illinois Animal Control Act and this chapter and any associated enforcement shall be 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 be 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 Department shall immediately initiate an investigation into the matter. After a thorough investigation including: sending, within three business days of the Administrator, becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an

opportunity to meet with the Administrator, prior to the making of a determination and disposition; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, the Administrator 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 Administrator, pursuant to the provisions of this chapter. Notwithstanding the above, depending on the severity and nature of the attack that caused the initiation of the animal-aggressive dog investigation, the Administrator may require the immediate impoundment of the dog.

(3) *Animal-aggressive dog determinations and notification.*

(a) The Administrator 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 another animal, without justification. A dog shall not be declared animal-aggressive if the Administrator 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 Administrator may seek, or the owner may provide information from a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in making the determination of whether the dog's behavior was justified pursuant to the provisions of this section.

(b) If 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 Administrator. 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 Administrator 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;

(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 property, but outside the owner's residence;

(d) 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;

(e) Humanely euthanizing the dog.

(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 Administrator, within three business days from the date of the notification of the determination and disposition. The Administrator shall hold a review hearing within seven business days after receiving the request to review the disposition. The Lake County Health Department 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 Administrator 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 by the Administrator to be animal-aggressive may seek review under the Illinois Administrative Review Law. If, however, the owner of the dog informs the Administrator, in writing that in order to not incur additional impoundment costs he or she is waiving all rights to appeal and no such appeal will be filed and further agreeing that the disposition set forth in the notice pursuant to subsections (B)(3) and (B)(4) above may be carried out. Until such time, the Lake County Health Department shall not sell, offer for adoption, or dispose of the dog until a final decision is rendered and the appeal process has expired. However, the owner will continue to be 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 or keeper.* No owner or keeper of a dog determined by the Administrator to be animal-aggressive may sell, offer for adoption, or give away the dog without approval from the Administrator. The Administrator shall grant approval for the transfer of the dog after the prospective new owner or keeper has been issued a revised disposition that names the new owner or keeper as the person responsible for meeting the requirements of the original disposition.

(9) *Animal-aggressive disposition notification.* If an owner or keeper of a dog determined by the Administrator to be animal-aggressive relocates to another jurisdiction, he or she shall notify both the Administrator of County Animal Control in the jurisdiction to which he or she has relocated, and the Administrator of County Animal Control where he or she formerly resided.

(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)

§ 172.13 OWNER'S DUTIES AND CRUELTY TO ANIMALS.

(A) *Requirements and impoundment appeals.* The enforcement of all requirements pertaining to the humane care and treatment of animals shall be in accordance with the Illinois Humane Care for Animals Act, this chapter, and the fees set by the Lake County Board of Health.

(B) *Impoundment appeal hearings.* A person alleged to have violated this section may request a hearing to appeal an impoundment that results from the enforcement of this section. Any person desiring a hearing shall contact the Administrator within seven calendar days from the date of impoundment and the Administrator shall hold an appeal hearing within seven calendar business days after receiving the request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the seven calendar day impoundment period, the Lake County Health Department shall not sell, offer for adoption, or dispose of the animal(s) until a final decision is rendered and all of the appeal processes have expired. If a hearing is requested by any owner of impounded animal(s), the Administrator shall, after hearing the testimony of all interested parties, render a decision within five business days regarding the disposition of the impounded animal(s). This decision by the Administrator shall have no effect on the criminal charges that may be filed with the appropriate authorities.

(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, howl, or whine in an excessive, continuous manner and/or at an untimely hour.

(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 said structures and/or units.

(1) Disallowance of age exemption for dogs or cats due to improper care or treatment. In a case where an owner of dogs or cats is maintaining and/or treating any of these animals in such a manner that it results in a citation or citations for violating Section 3, Section 3.01, or Section 3.02 of the Illinois Humane Care for Animals Act, dogs and cats aged six months or younger shall not be exempted from being counted toward the maximum number allowed as

stipulated in Section (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.

i. Penalties for violations of the maximum number of dogs and cats allowed.

Where a notice of ordinance violation ticket is issued for the violation of the maximum number of dogs and/or cats in accordance with Section (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 parcels 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 Lake County Health Department, 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 pet.

(c) Proof of current rabies inoculation and registration for each pet 4 months of age or older.

(3) *Inspections.* The Health Officer shall annually inspect the premises where the multiple pets 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 dogs and/or cats.

(4) *Term of permit.* Each Multiple Pet Permit shall be valid for the term of 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 original permit or in the application for any renewal permit;

(b) Does not abide by the conditions of the permit, including exceeding the number of permitted pets, violates other provisions of this chapter or any other applicable Lake County ordinance or regulation, or has a prior history of violation of this chapter;

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

(d) Allows his or her permit to be used by another person;

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

(6) *Exemptions.* Licensed kennel operators, pounds/catteries, animal shelters, pet shop operators and dog/cat dealers, as defined in 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 revoke the approval of that site Multiple Pet Permit.

(a) *Revocation notice.* Revocation of approval shall be in writing and mailed to the permit holder by regular, certified or registered mail. The notice shall contain information as follows:

i. A statement that the permit is revoked and that the pet owner is no longer exempted from the requirements of § 172.15 (A).

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

iii. An outline of action required to reinstate the approval, if determined.

iv. An explanation of rights and procedures for a hearing to be conducted in accordance with Chapter 176.

(b) *Hearing request.* A person whose approval for a Multiple Pet Permit is revoked may request a hearing, provided that the request is received in writing within ten days from receipt of the notice of revocation.

i. *Scheduled hearing.* If requested, the Health Officer shall conduct a hearing in accordance with §§ 176.15 through 176.17.

(c) *Failure to request hearing.* Unless the Health Officer receives a request for a hearing, the revocation of approval 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)

§ 172.16 VIOLATIONS.

(A) *Notices of apparent 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 Lake County Health Department shall give notice of such alleged violation to the owner and/or the person who is alleged to have committed this violation. Such notice 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 such notice or order shall be deemed to have been properly served upon such alleged violator when a copy thereof has been sent by United States mail to his or her last known address as furnished to the Lake County Health Department; or, when he or she has been served with such notice by any other method authorized by the laws of the State of Illinois; and
- (5) Contain an outline of remedial action, which 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 to the Health Department in this chapter, the Health Officer may issue a Notice of Ordinance Violation ticket in those instances, as described in this section, where an owner violates this chapter. The ticket shall identify the violation for which it is being issued, the corresponding fine/fee amount as established by the Lake County Board of Health or the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66) and shall provide the alleged violator the option to appear in court on a specified date for trial, to appear before the county's administrative hearing officer, or pay the established fine/fee. 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) shall 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) Cruelty to animals;
- (3) Failure to have an animal inoculated against rabies in accordance with the requirements of this chapter;
- (4) Animal(s) running at large;
- (5) Barking or howling dog(s);
- (6) Animal(s) in heat not under control;
- (7) Failure to register an animal in accordance with the requirements of this chapter;
- (8) Failure to have an animal wear evidence of rabies inoculation in accordance with the requirements of this chapter;
- (9) Failure to spay or neuter an animal or to provide written verification of a spaying or neutering 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; and
- (12) Violation of, or failure to comply with any other provision 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; 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.

Any person who violates any section or provisions of this chapter or who violates any determination or order of the Lake County Health Department under this chapter shall be fined not more than \$1,000. 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)