

§ 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)