

Summary of comments/questions and responses from the July 9, 2019 Public Hearing for revisions regarding proposed revisions to the Environmental Health Fees Schedule, as referenced in Lake County Code of Ordinance Chapter 178: Health Department Fee Schedules, to Lake County Code of Ordinances Chapter 172: Animals, and a proposed Lake County Proposed Ordinance to restrict groundwater use as a potable source near the Hoffelder closed landfill site.

***Note:** All comments/questions received at the hearing were in regard to the proposed changes to Chapter 172. Because the group was small, the Hearing Officer (Larry Mackey, Environmental Health Director) offered to keep the proceedings informal and allowed respectful give-and-take among the attendees and Health Department staff. Mackey and Robin Van Sickle (Animal Care and Control Program Coordinator) provided answers to questions and addressed concerns expressed about the proposed revisions. Minutes of the meeting were produced, but below is a detailed summary of the questions/concerns and the responses from Health Department staff, most of which were provided in the meeting. Some responses, though, have had additional information added in this document for the benefit of the Environmental Health Advisory Committee and the Board of Health.*

1. Pet limit laws do not work, people are the problem and ignore laws.

There have been pet limit restrictions in Chapter 172 (formerly Article X) since at least 1996. Previous provisions were based on lot size and restricted a person to either 3 (up to ½ acre) or 4 (over ½ acre) dogs **OR** cats older than 4 months of age. The pet limit restrictions were relaxed in 2011 to allow up to 4 dogs **AND** 4 cats older than 6 months of age on any sized property. There have also always been provisions for owners obtaining a multiple pet permit when the property they live on supports the number of dogs and cats they want to own.

Pet limit restrictions are only enforced on a complaint-driven basis and are usually brought to Animal Care and Control's (AC&C) attention due to other concerns such as barking, running at large, or poor conditions of the animals and/or the property. Many are animal hoarder situations.

2. Breeder regulations/licensing programs do not work and are inherently unfair. Why is the Health Department proposing what has become a barrage of regulations on breeders?

The proposed revisions to Chapter 172 are not aimed at, nor would they ever be applied to responsible breeders, but rather are intended to close the gap that exists in the current regulations, specifically for people that are irresponsibly keeping and treating their animals. Currently, in all cases, dogs or cats 6 months of age or under are exempted from counting toward the pet limit. The ordinance allows a person to own dogs or cats that produce offspring, and own, harbor or keep *any number* of those dogs or cats up to the point where they are 7 months old. It is silent on breeders, and always has been.

The proposed revisions, which were developed with the input and concurrence of both Go Humane Lake County and our contact at the American Kennel Club, seek to apply additional financial disincentive to people who do not provide proper care for their animals, where they have a litter or litters of offspring animals. These people are not responsible breeders. Currently, that person could be cited for violating the Illinois Humane Care for Animals Act and could be cited and potentially fined for improper care and/or treatment. The proposed revisions would allow additional enforcement via Chapter 172 by removing the age exemption in cases where AC&C has received a complaint, investigated, cited a person, and then the person is found liable or guilty of keeping the dogs or cats in poor conditions or mistreating them. In

these cases, the person could be cited for exceeding the pet limit because the age exemption would not apply and would be subject to fines of a minimum of \$100 *per offspring animal*. The proposed revisions seek to prevent mistreatment of animals that may be brought on by irresponsible breeding by creating a financial disincentive, and do not regulate responsible breeders.

3. The proposed pet limit regulations will only hurt responsible breeders who are dedicated to producing quality purebred dogs.

If a breeder is keeping his or her animals in proper conditions and is treating them well, which every responsible breeder does, they would not be subject to, or affected in any way by these proposed provisions.

4. Lake County should be encouraging private breeders, who have been in Lake County for 150 years and who produce the best purebred puppies available. Why is Lake County opposed to these breeders? Why does Lake County not want people to have dogs?

Again, no part of these proposed revisions regulates responsible breeders.

5. The notice of public hearing was only published in the Waukegan News-Sun. It should have also been in the Daily Herald.

The Board of Health bylaws require that “a public hearing shall be held with public notice being published at least five (5) days prior to the hearing.” The Health Department has historically published notice in the News-Sun.

6. Who was notified of the hearing/proposed revisions?

Notice of all public hearings is published in the News-Sun, is sent to all municipal and township offices, and is placed on the Health Department web site. Notice is also posted at the location of the hearing at least 48 hours in advance. Also, depending upon the ordinance(s) being revised, specific notice is sent to interested groups. In this case, regarding Chapter 172, notice was sent to animal hospitals, Go Humane Lake County, the American Kennel Club (AKC, which agreed to share with their members), and to owners of unaltered dogs that have utilized our tag fee exemption for show dogs/champion of record.

7. Why was the hearing not posted on the Lake County meetings calendar? On the Health Department events calendar?

The Lake County meetings calendar contains information on standing meetings. We did not include the hearing on the main Health Department page calendar, but the date, and other information about the hearing, was posted on the web site. In the future, we will also assure that any public hearing dates get added to the Health Department calendar.

8. Why wasn't the IFDCO (Illinois Federation of Dog Clubs and Owners) included in the notification or discussions of the proposal? The IFDCO is a large organization that brings in a great deal of money to Lake County for the dog-related events they hold here.

AC&C was not aware of the group, or of its activities in Lake County. In the future, they will be included in discussions of ordinance changes where their members may be affected.

9. The existing animal-aggressive regulations should be removed from the ordinance because no one has the authority to determine that a dog's nature is aggressive.

The animal-aggressive dog provisions in Chapter 172 apply only in cases where a dog has killed or has injured another owned animal so seriously that it creates a substantial risk of death, serious disfigurement, protracted impairment of health, or the impairment of the function of a bodily organ. These are all very serious cases, and nearly every case we have handled to date has involved the death of the other animal.

The animal-aggressive dog provisions, similar to dangerous and vicious dog provisions in the Illinois Animal Control Act, do not authorize the Animal Control Administrator (or his or her designee) to make a determination about a dog's nature or psychological makeup. These determinations are based on the dog's behavior associated with the incident, and also the dog's past history. The determinations and dispositions are made so that additional restrictions (such as a muzzle or enclosure) may be placed on the owner of the dog to prevent future incidents. All animal-aggressive determinations and dispositions can also be appealed within LCHD, and ultimately under the Illinois Administrative Review Law to the court.

10. The existing animal-aggressive regulations discriminate against large dog breeds; small dogs frequently provoke larger dogs, and small dogs also frequently bite and act aggressively. Also "90% of the time" aggressive dogs come from shelters.

Again, the animal-aggressive dog provisions in Chapter 172 apply only in cases where a dog has killed or has injured another owned animal so seriously that it creates a substantial risk of death, serious disfigurement, protracted impairment of health, or the impairment of the function of a bodily organ. All aspects of the attack are investigated including whether the attack may have been *"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."* [Chapter 172, Section 172.12 (B)(3)(a)] It is, needless to say, extremely uncommon for a small dog to attack and kill or seriously injure a larger dog, but the size and/or breed is not a consideration; the nature of the attack and its outcome are.

11. The proposed provisions on animal-aggressive determinations/dispositions when dogs are transferred to a new owner are not necessary or enforceable and should be removed.

These provisions were modeled nearly word-for-word from similar provisions in the Illinois Animal Control Act regarding vicious dog determinations and dispositions. They were enacted to assure that when a person who owns a dog that has restrictions on it (such as a muzzle) is transferred to another owner in the county, that the new owner be notified that he or she must also abide by those restrictions. For people moving out-of-county, it is a mechanism to notify the new jurisdiction of the requirements.

12. Why is Lake County proposing the ordinance change now when AC&C staff presented information to the Board of Health and County Boards that there is not a pet overpopulation problem in the county?

Originally, Go Humane Lake County came to the County with a proposal that AC&C enact and adopt a breeder license, on the premise that there were problems with pet overpopulation and unwanted pets in the county. AC&C data compiled between 2005 and 2018 indicated that:

- Strays impounded **decreased by 48%**
- Pets relinquished by owners **decreased by 52%**
- Pets euthanized **decreased by 34%**

- Pets referred for adoption **decreased by 64%**

But in exploring the issue with Go Humane LC and representatives from the AKC, the Health Department concluded that the main issue of concern was people that are mistreating animals by irresponsibly allowing them to have offspring, or by irresponsibly purposely breeding them. The key factors are the conditions and treatment of these animals, and the proposed ordinance revisions were drafted to attempt to prevent these activities by creating financial penalties for doing them.

13. Why did LCHD work so closely with Go Humane Lake County on this ordinance revision?

Go Humane Lake County presented a proposal to the County for a breeder license. The Health Department did not believe that a breeder license was warranted or would be effective, but worked with Go Humane LC, and with the AKC to address the problem of irresponsible owners/breeders. The representative from Go Humane LC at the hearing expressed support for the proposed revisions.

14. If a person is cited for exceeding the pet limit, does that citation automatically apply to additional pets from a later litter or litters?

No, each case is handled separately.

15. The proposed pet limit provisions are not legal because they automatically fine a person \$100 per puppy (or kitten) if the owner's current dog has a litter. How can you identify the offspring of 1 particular dog?

While the proposed ordinance language says that the penalty fee shall apply to each of the dogs or cats, there is a process for the citation of violations, the adjudication of the citation and the imposing of a fine or fee. Any violation cited in Chapter 172 is presented either to a circuit court judge, or the County Administrative Hearing Officer for a judgment. Only those found liable for the violation are fined or assessed a fee by the judge or hearing officer.

Regarding identifying the offspring and attributing those offspring to a particular dog, there is nothing in the proposed revisions that requires that to happen. The removal of the age exemption applies to “**each** of the dogs or cats aged six months or younger” regardless of their parentage.

16. Where are the enforcement provisions in the ordinance that stipulate that a circuit court judge or hearing officer must issue a judgement prior to a fine being assessed?

Chapter 172, Section 172.16, Violations, contains the enforcement provisions for violations of the Chapter's provisions.