DANGEROUS AND VICIOUS DOG TASK FORCE
McHenry County Government Center
Administration Building
667 Ware Road
Woodstock, IL 60098

MINUTES OF MONDAY, DECEMBER 5, 2005

Chairman Koehler called the Dangerous and Vicious Dog Task Force meeting to order at 3:35p.m. The following members were present: Ken Koehler; Ann Gilman; Nick Provenzano; Anna May Miller; John Jung, Jr.; Sandra Salgado; Jamie Rein, (as representatives for States Attorney Lou Bianchi); Pat McNulty, Health Department; Tracey Odishoo and Dr. Richard Gorski, Board of Health. Dr. Edin Mehanovic, Dr. Brain Sager, and Jerry Rivard were absent. Also in attendance: interested public; and the press.

Kenneth D. Koehler, Chairman

Lou Bianchi	Ann Gilman
Dr. Richard Gorski	John Jung, Jr.
Pat McNulty	Dr. Edin Mehanovic
Anna May Miller	Sheriff Keith Nygren
Tracey Odishoo	Nick Provenzano
Jerry Rivard	Dr. Brian Sager

Sandra Salgado

MINUTES

Mr. Provenzano made a motion, seconded by Ms. Gilman to approve the minutes of the November 28, 2005 meeting. The minutes were approved as submitted with a unanimous voice vote of all ayes.

PUBLIC PARTICIPATION

Chairman Koehler explained that anyone wishing to address the Committee would be allowed three minutes to make their statement. He asked that those who had previously addressed the Committee not do so at this meeting unless they had new information.

Laura Dendor addressed the Committee and suggested that people who choose to own a vicious or dangerous dog is required to register, license and micro-chip the dog in addition to providing proof of adequate fencing with a self-closing gate and liability insurance.

With no other persons wishing to speak, Chairman Koehler closed this part of the meeting.

NEW BUSINESS

Consideration of recommendations for proposed legislation: Chairman Koehler asked Ms.Rein to provide an update to the video conference that took place last week. The members were provided a hard copy of the various slides presented during that presentation. Ms. Rein reported that the conference covered information on Ryan's Act and Anna's Law. She noted that changes in the Dangerous Dog Act appear on Page 9 and Page 13 contains the penalties that can be imposed if an owner of a dangerous dog fails to comply. A vicious dog is defined on Page 15. She noted that currently a dog can only be determined vicious by the courts. At previous meetings, this Forum voted to support a change in that a dog could be determined vicious by the Animal Control Administrator much like the process for deeming a dog dangerous. Ms. Miller asked if there is a legal definition of the word "knowingly" as it is used in the Act. Ms. Reins pointed out that this questioned was discussed during the video presentation and that a legal opinion on this wording has not yet been determined. Chairman Koehler commented that this language could be debatable and makes it possible for a judge to make a determination either way. Ms. Miller commented that perhaps a case by case evaluation is a good method to make such a judgment. Ms. Salgado stated that there are certain breeds with a bite that can rip, tear and maul and asked if the County could pass an ordinance addressing specific breeds. Ms. Reins responded that the State would need to enact such a law as currently the County cannot be breed specific. Ms. Salgado added that the use of electric fencing does not keep a dog in a yard nor others from entering that yard. Ms. Reins agreed and noted that once a dog is deemed dangerous or vicious an enclosed fenced yard is required. Chairman Koehler cited an incident in Wonder Lake as a perfect example of an electric fence that did not keep a dog from attacking a person passing that property. Mr. Provenzano noted that previously the Committee had voted not to support breed specific legislation, but in reviewing this issue he is rethinking his opinion. Chairman Koehler reported that State Representative Tryon proposes legislation that certain breeds have the ability to inflect greater injury and the first time that animal is deemed vicious liability insurance would be mandatory. Currently, five dog breeds are considered uninsurable. Mr. Provenzano asked if this could be a method to banning certain breeds. Chairman Koehler noted it would be the owner's risk and that an owner could lose their equity if they did not have liability insurance. Dr. Gorski stated that if it is a known fact that the owners of those five breeds cannot

purchase the required insurance and proof of insurance must be provided at the time of registration/licensing then the individual cannot own that animal. He added that he would also like to see requirements on weight, muscular and jaw power included to cover the big bodied more powerful dogs. Ms. Gilman stated that the three bite business is outrageous and that after one vicious bite the dog is deemed vicious and should be euthanized. Ms. Reins noted that current information indicates that any and all dogs could be vicious and that being breed specific could raise additional problems. Ms. Salgado noted that information distributed indicates that a chained dog can become dangerous/vicious. Ms. Reins noted that aggression can be triggered by many circumstances including confinement. Chairman Koehler stated that perhaps we could consider a chained dog or a dog controlled by an electric fence as an Attractive Nuisance. Members agreed that this option deserves consideration. Dr. Gorski stated that at some point we must address the topic of actual damages. He noted a huge difference between a dog that bite causes bone crushing injury and a dog that nips. Attack, mauling and significant injury needs to be taken into consideration. Dogs with strong jaws, big teeth and muscular body weight can cause serious and even fatal injury. A 5 pound dog will not cause a fatal injury and these differences need to be addressed. He stated that emergency rooms and physicians have a system to grade injuries. Ms. Odishoo confirmed that there are guidelines to how a surgeon grades an injury. Chairman Koehler asked that Ms. Odishoo provide this information to the Members for the next meeting.

Old Business

Continued discussion and review of public comments: Chairman Koehler asked that Ms. Reins go through comments made by Mr. Foley at the November 28th meeting one by one.

Ms. Reins presented the following:

1. A list of all registered dogs

2. Increase the fee for dog registration and allow for impoundment if an owner fails to register their dog

Chairman Koehler reported that currently the fine for an un-registered dog is $25.00 and that fine is only imposed if the owner is caught. He felt this low fine was just a “slap in the face.” Ms. Miller noted that we do have a system in place and the public should be made aware of the requirement to register their dogs through an educational program. It was also noted that veterinarians are required to make sure all dogs they treat are properly registered with the County. Mr. McNulty stated that not all pet owners take their animals to a veterinarian. Ms. Miller asked that consideration be given to a positive program and an incentive based registration program should be offered. Mr. Provenzano stated that if an owner does not register a dog there should be a huge monetary impact. He also stated that the spay/neuter registration fee should be increased. Dr. Gorski noted that people register their dog in the most part because it is the “right thing to do” and also because there is a financial price to pay if they do not. Ms. Odishoo noted that many people do not register their dog or have their dog spayed/neutered due to the costs. Chairman Koehler added that he would support increased fees and if people do not register their animal they could risk the possibility of losing that animal if it is not registered. Ms. Reins will research this legal possibility. It was noted that an unregistered dog is identified after it is picked up as a stray or if there is a biting incident. Ms. Gilman felt that large fees are justified and the maximum fine should be imposed. Ms. Miller stressed education and the implementation of an incentive program to have all dogs in the County registered. Chairman Koehler stated that even with education people still not have their animal registered and that the owner who cannot afford to register and properly vaccinate their dog should not be owning a dog. Owners must be responsible. He felt a fine for an unregistered dog should begin at $200.00 if the animal is picked-up due to a biting incident. Mr. Provenzano stated a low cost registration program could be implemented as an incentive and then impose higher fines with a minimum of $200 for a first offense and $500 for a second offense. Dr. Gorski supported such a program and added that a warning period notifying the public of these increased fines and the requirement to register their dog. After lengthy discussion, Dr. Gorski made a motion, seconded by Ms. Gilman, to impose a $100 fine for an unregistered dog and if the dog is identified due to a biting incident the fine could range from $200 to $1,000. A vote was called. The Chairman declared the motion failed with a tie vote. Mr. Provenzano stated that it is important to weed out the irresponsible owner and made a motion to begin fines at $200 and raise to $1,000. Dr. Gorski seconded the motion. Ms. Salgado made a motion to amend to keep the current fines at $25.00 unless there is a biting incident involved at which point the fines would begin at $200. Ms. Miller seconded the motion to amend. The motion to amend failed on a voice vote. Ms. Odishoo made a motion to amend to add an educational component along with fines. Ms. Odishoo’s motion failed for lack of a second. A vote on the original motion was called. Chairman Koehler declared the motion passed with a majority vote of ayes.

Members then discussed fines for a dog running loose in or near a school yard. Chairman Koehler recommended doubling the fine when this occurs. Mr. Provenzano made a motion, seconded by Mr. Jung, to double the fines for a dog found running freely in or near a school or park, with the exception of a dog park. The motion carried with a unanimous voice vote.

3. Require owners of pit bulls to show certification of a passed dog obedience training class.

Ms. Reins noted that the County cannot pass an ordinance that would be breed specific. The County could encourage dog owners to attend such classes.

4. Require insurance of not less that $4,000,000 for specific breeds or on a dog that bites.

Ms. Reins noted that this is a “catch-22” since a dog that bites is uninsurable. Chairman Koehler stated liability insurance could be required. Mr. Gorski stated that this would need to be personal liability insurance on the owner.

5. Except for breeders, no one should be allowed to own more than on pit bull.

This again is a breed specific request. The Committee may want to support legislation that would address breeders. Mr. McNulty stated that first we must determine “what is a breeder.” Mr. Gorski pointed out that if it is a business a business license is required. Chairman Koehler noted that mixed breeds are an area of concern and this would not be addressed though breeder regulation. Mr. Provenzano commented that it goes back to responsible ownership and what happens when a breeder is unable to sell part of a litter. He felt all puppies in a litter should be micro-chipped so tracking can be done when necessary. Chairman Koehler asked Ms. Reins to research possible way to regulate a breeder.

6. Require all pit bulls to be spayed or neutered.

Again this is breed specific. Members noted that statistics indicate that a dog who has been spayed or neutered is 70% less likely to bite and that this type of program should be supported through education and through adjustments in the registration fee schedule. Ms. Miller made a motion, seconded by Ms. Gilman, to set the registration fee for dog that has not be surgically altered to $100 for a one-year registration and $150 for a three-year registration. The motion carried with a majority of the members voting aye on a voice vote.

7. A list of breeders

8. All pit bull owners must carry civil liability insurance

9. A dog that has been deemed dangerous or vicious should wear something (a tag or vest) identifying it as such.

Members felt that a tag would not be seen and felt that along with the requirement of wearing an identifying vest an educational program could be presented in schools to make a child aware. Mr. Provenzano supported this idea and noted that if the owner is found in violation of this requirement, the animal would be euthanized. Ms. Odishoo added that owners should also be required to post signage around their property notifying the public of the presence of a dangerous / vicious dog. After further discussion, Ms. Gilman made a motion, seconded by Mr. Jung, to require a dog that is declared dangerous or vicious to wear an identifying vest. The motion carried with five ayes and four nays.

10. Pit bulls found loose or wandering without an owner are subject to destruction. Again, breed specific.

11. Signage on the property notifying the public of a dangerous / vicious dog.

Ms. Gilman made a motion, seconded by Ms. Odishoo, to require prominent signage at all coroners of the property notifying the public of the presence of a dangerous / vicious dog. After a discussion, the vote was called. With a count of hands, the Chairman declared the motion passed with 7 ayes and 3 nays.

12. Require an 8 foot fence.

Chairman Koehler noted that this is covered in the County's current ordinance by the requirement of a 6 foot or higher kennel type enclosure with a locked gate.

13. Muzzling of any dog deemed vicious or dangerous when the dog is off property.

In addition to the above items, members a discussed supporting legislation to require that all dogs be micro-chipped. Mr. Provenzano made a motion, seconded by Ms. Gilman, to require all dog owners to show proof that this animal has been micro-chipped at the time of registration. Mr. McNulty stated that it may be possible for Animal Control to run a public micro-chipping program. A vote was called. The Chairman declared the motion passed with a majority of members voting aye on a voice vote.

Dr. Gorski asked that consideration be given to allow an animal control officer to remove an animal immediately if the situation warrants such a decision. Dr. Gorski made a motion to support legislation that would allow an animal control officer to make a determination to remove a dog immediately if the situation is deemed dangerous. Mr. Jung seconded this motion. Ms. Miller stated it is important that we allow for due process. Chairman Koehler stated that the owner could dispute the charges and it would then go through the system for a final determination. Dr. Gorski stated that a dangerous situation must be addressed immediately and an animal control officer needs the authority to seize a dog that is acting in an aggressive manner before that dog can cause serious injury. After a discussion a voice vote was called. The motion carried with a unanimous vote of all ayes.

Chairman Koehler stated that the Committee has a lot of work and that it is critical to make decisions prior to the end of the year. He stated additional meetings will be scheduled if necessary. Ms. Gilman asked if the County would be able to pass a breed specific ordinance if they were a home rule county. Ms. Reins responded that it may be possible.

Executive Session
None

Adjournment
Noting no further business, Ms. Miller made a motion, seconded by Ms. Gilman to adjourn the meeting at 6:15 p.m. The motion carried with a unanimous voice vote.

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MOTIONS APPROVED:
Fines for an unregistered dog begin at $200 and raise to $1,000
Fines for an unregistered dog running freely in or near a school yard or park (except dog parks) will double
A one-year registration fee for an unaltered dog will be $100
A three-year registration fee for an unaltered dog will be $150
A dog declared dangerous or vicious will be required to wear an identifying vest
The owner of a dangerous or vicious dog will be required to post signage at all coroners of the property notifying the public of the presence of a dangerous / vicious dog
All dog owners must show proof that the animal has been micro-chipped at the time of registration
Support and recommend legislation that would allow an animal control officer to make a determination to remove a dog immediately if the situation is deemed dangerous.