

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

MINUTES OF MONDAY, DECEMBER 12, 2005

Chairman Koehler called the Dangerous and Vicious Dog Task Force meeting to order at 3:30p.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; Dr. Richard Gorski, Board of Health; Dr. Edin Mehanovic, Animal Control Administrator; Gene Lowery (Representing the Sheriff); and Jerry Rivard, Animal Control Supervisor. Dr. Brain Sager and Tracey Odishoo 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. Jung made a motion, seconded by Ms. Gilman to approve the minutes of the December 5, 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. Barb Fredericks addressed the Committee stating that all dogs 50 pounds or more have the same bite and asked that the Task Force address all breeds when they make their recommendations. With no other persons wishing to speak, Chairman Koehler closed this part of the meeting.

NEW BUSINESS/OLD BUSINESS

Discussion of public comments and consideration of recommendations for proposed legislation: Chairman Koehler asked Ms.Rein to provide an update to information she has found when researching state statutes. Ms. Rein reported that, in response to members' questions regarding fine amount, fines were increased in August 2003 as a result of Anna's Law to allow for fines up to \$1,000. Regarding questions on dogs running at large, Ms. Rein's reported that the members could make a recommendation that current language be removed in the State Statutes to allow imposing higher finds. Members also had questioned if requiring the owner of a dangerous or vicious dog to post warning signs at each corner of their property would be legal. Ms. Rein's reported that her research indicates this could raise additional problems as with signage there is an assumption of risk and cautioned that it could limit owner's civil liability. Regarding the issue of requiring a dog vest or collar, Ms. Rein's noted that the orange collar is being used by other states and is becoming an accepted and uniform method to identify dangerous / vicious dogs. She reported that Florida has created a website identifying all dangerous & vicious dogs within the state including addresses and pictures, much like what is done for known sex offenders. The County could pass an ordinance requiring all dogs to be micro-chipped. When researching the possibility of giving the authority to declare a dog vicious to the Animal Control Administrator instead of the courts, Ms. Rein's found that this could raise concerns with "people profiling." The court system was given authority since it assumes a fairer way; to change this issue would require a change in state law. Ms. Rein reported that the County could pass an ordinance addressing the chaining and tethering of a dog. Ms. Rein's reported that the Illinois Department of Agriculture does not keep track of dog breeders. The City of Fort Wayne Indiana does require a permit for kennels that have two or more un-neutered dogs. A major breeder is considered one which produces two or more litters and year. A minor kennel is designated as producing not more than one litter a year. The County could pass an Ordinance requiring a permit for kennels. Ms. Gilman noted that an ordinance requiring permits for kennels would be important and could help reduce the number of dogs. Ms. Salgado raised concerns with signage and liability and felt that it should not be up to a child to make the decision to enter a property that has been posted. She also asked if "we could specify between a dangerous dog that bites and a dangerous dog that does not bite." Ms. Rein's responded that the State would need to address this issue. Chairman Koehler reminded the members that they voted to support Ryan's law which does address Ms. Salgado's concerns. Ms. Gilman stated that she is not concerned whether someone can litigate if a sign has been posted and noted that there is potential for people to be more careful when a sign is posted and it also stigmatizes the owner.

Ms. Miller stated she shares Ms. Salgado's concerns of assumption of risk with signs and did not support this proposal; she did endorse use of an orange collar since it would be consistent with other states.

Chairman Koehler reminded the members that during the last meeting the members voted to support a vest as opposed to a collar, he stated that he knows of a company that may be able to produce the vests, but added that the collar does offer consistency. With the collar becoming an accepted identification method he asked if they wished to reconsider. Ms. Miller made a motion, seconded by Mr. Provenzano, to recommend the use of an orange collar as a way to identify a dangerous or vicious dog. Members asked what the standardized collar looks like and if it would be noticed on a dog with a long coat. Ms. Rein stated she would try to get an actual collar to show the Committee. The motion carried with a unanimous voice vote of all ayes.

Ms. Salgado made a motion, seconded by Ms. Gilman, to recommend that only one sign be posted on an owner's property warning the public of the presence of a dangerous or vicious dog. Ms. Miller restated that she is against such a requirement since it could reduce an owner's liability. Dr. Mehanovic felt that at least two signs should be required. Dr. Gorski stated the sign simply states a fact and that should have no impact on the ability to sue. Ms. Rein responded that the public gains knowledge of a potential risk and could limit the liability, based on input she has received from various attorneys. Mr. Provenzano stated one reason for these meetings is to head off or prevent attacks by a dangerous or vicious dog, not to determine or worry about liability issues. He went on to state that a sign is posted as a preventative measure and then made a motion to amend the original motion to require posting of two signs as opposed to one. Dr. Gorski seconded this motion. Ms. Miller felt that the posting of a sign would not prevent an incident and the only thing it would do is stigmatize the owner. Dr. Gorski pointed out that the owner may not wish to be identified as the owner of such an animal and may then determine not to own a dangerous or vicious dog. Mr. McNulty added that signage is useful and could help service people who can then take any necessary precautions. Chairman Koehler called for a voice vote on the amendment. With the majority voting aye, the motion to amend passed. A voice vote on the main motion was called. The motion passed. Chairman Koehler stated the Health Department would decide on the size and location of signs.

Ms. Rein reported that current laws allow for an animal to be picked-up only if the animal is in trouble and in a life-threatening situation. She asked if members would like to consider making a recommendation to change this legislation. Mr. Jung made a motion, seconded by Dr. Gorski, to recommend consideration of legislation that would allow an Animal Control Officer the authority to remove an animal that is an immediate threat to public safety. Ms. Miller felt such a removal should be done in concert with the Animal Control Administrator. Chairman Koehler noted that would be a goal and ultimately the Animal Control Administrator would make a final determination. The City of Los Angeles has passed an ordinance allowing for immediate removal of a dog, a hearing is held immediately. Dr. Gorski stated that "due process" should not take three months or even longer. Ms. Miller stated before an officer can remove a dog they should call the Administrator. Other members felt in some cases a dog needs to be removed immediately and we would be remiss if there is a threat to public safety and immediate action was not taken. A voice vote was called. The Chairman declared to motion passed with a majority voting aye.

Mr. McNulty made a motion, seconded by Ms. Miller, to recommend a change in State Law to allow a hearing officer to make a determination on whether a dog is vicious and take this matter out of the courts; said hearing officer would be an appointed attorney. On a voice vote, the motion was passed.

Mr. Jung made a motion, seconded by Ms. Gilman, to recommend a change in State Law that would require any dog deemed vicious to be humanely euthanized. The motion carried with a voice vote of all ayes.

Members discussed the chaining and/or tethering of a dog outside and whether a time limit should be imposed. Current statutes allow for an animal to be chained indefinitely if it is provided adequate food, water and shelter. Ms. Gilman felt the current law is inadequate and does not protect the animal. She noted that animals can die from exposure or lack of food/water and this should be addressed and looked at seriously. Dr. Mehanovic stated that various breeds can withstand the cold and/or heat. He suggested that under normal weather conditions 45 minutes should be allowed for everyday activities of the dog outside. Ms. Miller felt this issue should be addressed by the Animal Control Advisory Board. Chairman Koehler noted that the tethered dog is a threat to the public as reports indicate that there is a higher rate of biting incidents from a chained dog. Such dogs become an attractive nuisance. Dr. Gorski pointed out that currently the County does not allow a dog to run free, he stated that when a dog is chained outside it should be supervised at all times even if this means watching the dog from a window. Under Sheriff Lowery stated that all information should be weighed and discussed with those individuals who have the expertise. He felt that it was important to resource decisions first to insure that whatever the members recommend will be based on

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case laws. Chairman Koehler pointed out that research has been done and the State's Attorney has provided input into all recommendations. Under Sheriff Lowery stated that the fact remains that we should not make a decision based on inadequate information. Chairman Koehler stated that this discussion will be continued at a future meeting.

Dr. Mehanovic and Ms Miller left the meeting on 4:40 p.m.

Chairman Koehler reported that Dr. Gorski has provided additional information regarding bites. His research indicates there are six levels to bites: (1) a snap with no skin contact (an "Air Snap"); (2) a bite that scratches the skin; (3) a bite that punctures the skin; (4) a bite that causes a deep puncture and bruising; (5) multiple bites with an attack; and (6) biting that causes a fatality. Members note that a level between 5 and 6 should be considered. Such level would include bites causing torn muscles, ripped tendons and broken or exposed bones. Ms. Salgado added loss of feeling and the presence of other masses. Chairman Koehler asked that further discussion on this issue will be included in the meeting next Monday (12/19/05).

Chairman Koehler asked that consideration be given to a dog owner who uses the dog as a defense weapon. Dr. Gorski made a motion, seconded by Mr. Jung, to impose a criminal violation against any owner who uses a dog as a weapon, just as the use of a gun would be classified. The motion carried with a unanimous voice vote of all ayes.

The State's Attorney was asked to research breeder regulations and provide examples of current ordinances that have been passed regarding regulating breeders.

Executive Session

None

Adjournment

Noting no further business, Ms. Gilman made a motion, seconded by Mr. Jung to adjourn the meeting at 5:15 p.m. The motion carried with a unanimous voice vote.

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MOTIONS APPROVED:

- Recommend the use of an orange collar as a way to identify a dangerous or vicious dog
- Recommend that two signs be posted on an owner's property warning the public of the presence of a dangerous or vicious dog
- Recommend consideration of legislation that would allow an Animal Control Officer the authority to remove an animal that is an immediate threat to public safety
- Recommend a change in State Law to allow a hearing officer to make a determination on whether a dog is vicious and take this matter out of the courts; said hearing officer would be an appointed attorney
- Recommend a change in State Law that would require any dog deemed vicious to be humanely euthanized
- Impose a criminal violation against any owner who uses a dog as a weapon, just as the use of a gun would be classified