

BOARD OF HEALTH
PLANNING, REGULATION, ORDINANCE & PUBLIC RELATIONS COMMITTEE
McHenry County Department of Health
2200 N. Seminary Avenue
Building A
MEETING MINUTES
July 12, 2016
6:00PM

CALL TO ORDER

PRESENT: Biere, McCann, Gaffney, Clarke, Stinson, Szurek

ABSENT: None

HEALTH DEPARTMENT STAFF: Hill, Gugle, Nomm, Morzos, Howell, Bellido-Griffin, Dorin

PUBLIC COMMENT

None

REVIEW OF PROPOSED REPLACEMENTS TO PUBLIC HEALTH ORDINANCES

Mr. Hill stated the proposed changes to the ordinances are not substantial changes. They are small changes which include the language being corrected, removal of definitions, correcting typos, formatting issues, etc.

Ms. McCann stated she would like to have a consistent formatted document that is easier to read. Mr. Hill stated the ordinances will be formatted later and at this time to just discuss the contents of the ordinances.

Ms. McCann stated she doesn't see where the document separates jurisdiction or applicability of unincorporated McHenry County. Mr. Hill stated the ordinances pertain to all of McHenry County in its entirety.

Ms. McCann asked why tanning and body art facilities, who are not properly registered, fall under nuisance? Ms. Nomm stated the Health Department does this, which is similar to other Counties, because there is no mechanism at the State level to pursue a violation if a facility is not registered with the State. Therefore, we place it under nuisance ordinance so we can say it is a violation, and pursue it locally.

Ms. McCann questioned whether swimming pools are in the building code. Ms. Nomm stated all the new swimming pools that are put in by homeowners are taken care of by Planning and Development as part of building permits. The Health departments enforces the variance process and when pools or barriers go into disrepair.

Mr. Clark discussed the public health nuisance of animal carcass disposal of within 24 hours of a death. He believes this is too short of a time frame, and would like to see it changed to 72 hours. Ms. Nomm stated she will double check on the State statute time frame.

Mr. Clark stated the public health nuisance of maintaining garbage cans, which are not fly-tight, vermin and rodent proof needs to be adjusted. He does not believe there is a garbage can in McHenry County that meets those requirements. Ms. Nomm stated this is more for loose garbage that is blowing all over the neighborhood. She will update the language.

Mr. Clark stated on the public health nuisance of infestation in a structure or on a property related to pests or vermin needs to be amended. He stated that virtually every barn has bats in it in McHenry County. Ms. Nomm stated this was used to attempt to address the broader language of harboring of pests. Discussion moved on to noxious weeds.

Ms. McCann questioned the eradication all noxious weeds within 150 feet of any property line. Ms. Nomm stated it is in the public health ordinance because of the allergies, however it originated as an agricultural issue.

Ms. McCann asked whether or not dumping was a problem in McHenry County any longer. Ms. Nomm stated yes it still continues to happen.

Mr. Clark asked how the burning of trees, in agriculture fields, falls under the ordinance. Ms. Nomm stated it falls under the same restriction, just need a 500' set back from any habitable structure.

Discussion of open burning and the restrictions took place.

Mr. Clark suggested the penalties be kept to a minimum until the party is uncooperative. Ms. Nomm stated that the Health Department does not have ticketing authority. The only ones that would have a penalty at all would be those that were given every opportunity to comply and still do not and then they would go to court. Mr. Hill stated we would just want everyone to comply with the rules we do not seek punishment or retribution that is not our goal.

Discussion of food inspections, extensions, violations and re-inspections took place.

Ms. Gaffney would like to recommend that the language in the old definition of a feral cat be used instead of what is currently there now. Feral cat is a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized, or is a formerly owned cat that has been abandoned and is no longer socialized, or lives on a farm.

Ms. Gaffney would like to add owner means any person having a right of property in an animal or keeps or harbors an animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on any premises occupied by him or her for a period of 7 days. "Owner" does not include a feral cat caretaker who participated in a trap spay/neuter, return or release program.

Ms. Gaffney would like to add nuisance cat is any cat which molests passers-by; attacks other domestic animals; trespasses on school grounds, public grounds, conservation property or private property; damages private or public property; is a safety or health hazard; creates offensive odors; or materially interferes with or disrupts another individual.

Ms. Gaffney would like to add managed feral cat colony and place it in right after dead animals. It is unlawful for any person to intentionally provide food, water or other forms of sustenance to a feral cat or feral cat colony unless the feral cat is maintained in an approved managed feral cat colony.

In order to be an approved managed feral cat colony, the person caring for the cats must:

- A. Ensure that the colony is restricted to a well-defined safe area, and not on lands managed for wildlife or other natural resources (i.e. state parks, wildlife refuges, etc.). Written permission of the landowner shall be obtained and notarized when colony manager is not the property owner.
- B. Register the colony with an approved animal shelter licensed by the Illinois Department of Agriculture. The animal shelter must file reports with Animal Control as requested including but not limited to location of the colony.
- C. Provide adequate shelter which provides protection from the elements and have photographs available of the site upon request.
- D. Shall be required to humanely capture and provide for:
 - (i) health examination;
 - (ii) serologic screening test, for those being removed for adoption as a minimum and any ill cats or as deemed by veterinarian, for infectious

- diseases (Felv & FIV), and euthanasia or isolation indoors of those which test positive;
- (iii) maintenance of an ongoing health care program which provides vaccinations, medical and/or surgical care and parasite control; microchip all cats
- (iv) sterilization;
- (v) removal of kittens and adoptable adult newcomers;
- (vi) left ear tipping for those which have been spayed/neutered;
- (vii) removal from, return to the colony, or euthanization of those cats that cannot be socialized, as determined by the caretaker;
- (viii) Rabies vaccination as recommended by vaccine manufacturer.

F. Have an approved written program of educational training which shall be provided for all care givers. This shall include uniform standards and procedures for colony maintenance, as well as public health, occupational safety and environmental issues. Training is to be provided by the approved animal shelter or welfare organization.

G. Remove nuisance cats from the colony and euthanize, isolate indoors or put in a barn cat program.

J. Not relocate any cat to another colony within McHenry County.

Mr. Clark would like to see the section of destruction of livestock removed. Mr. Hill stated it's a state law.

Ms. McCann would like to offer senior day for a vaccination event.

Discussion of transfer of cats and collection of fees. Ms. Gaffney stated she would like to collect a fee for the transfer of cats.

The fees for relinquished cats was changed to reflect \$35.00 no matter the age of the cat.

Discussion of dangerous/vicious dogs took place. Mr. Clark thinks that animal control should charge an initial fee when the incident occurs however, does not think that an ongoing fee, year after year is fair and he would like that changed. After much discussion, first offense would be \$100, second time offense \$300 and third time the dog gets categorized as a vicious dog. Also, they discussed adding if the owner of the dog would like to have a review of their dangerous dog on a yearly basis the cost for that would be \$100.

Mr. Clark questioned if there is a method for families to bring their dog for low cost rabies? Ms. Howell stated animal control is required to have 1 event a year and they offer 2 events per year.

Mr. Clark would like to identify farm dogs for an agricultural setting which are used for rodent control, coyote control, herd livestock. They are very different than a dog that lives in an urban setting. A farm dog needs to be able to roam the property and do its job.

Ms. McCann would like to have a noise ordinance included with the other ordinances. Hill stated it does not want the Health Department enforcing it. The Health Department does not have the budget for that.

Dr. Stinson moved to direct the McHenry County Department of Health to make the changes discussed and bring back to next meeting August, 2016. Second by Ms. Gaffney. The motion was passed with a roll call vote.

Dr. Stinson moved to approve the proposed fees with minor corrections or edits, second by Ms. Gaffney. The motion was passed with a roll call vote.

ADJOURNMENT

Motion by Dr. Stinson, second by Mr. Clarke to adjourn the meeting at approximately 9:20PM. This motion was passed by a voice vote.