

McHENRY COUNTY BOARD OF HEALTH

Planning, Regulation, Ordinance & Public Relations Committee Meeting
Administration Building
667 Ware Road, Woodstock, IL 60098
September 9, 2019

MEETING MINUTES

PRESENT: Dr. William Stinson, Mary McCann, Cindy Gaffney, Joseph Clarke, Rhienna McClain Trevino

STAFF PRESENT: Melissa Adamson, Maryellen Howell, Darleen Volant

Meeting called to order by Dr. Stinson at 6:35 pm.

PUBLIC COMMENT

None

ARTICLE VI – ANIMAL CONTROL

8.04.830 Definitions: Ms. Howell reminded members of the discussion regarding the registering and vaccination of cats at a previous meeting and stated she added a definition for barn cat and expanded the definition of feral cat to include a cat that lives on a farm and is not socialized. Ms. Howell said this would clarify which cats would be exempt. Mr. Clarke said the language should define production agriculture dogs and cats as not being companion animals. Ms. Howell stated her concern about removing those animals from companion animal definition as is would give them exemptions from all nuisances. Mr. Clarke said some of the regulations are too restrictive for animals that are in production agriculture.

Mr. Clarke voiced his objection to removing the word “stray” from the Running at Large definition. Ms. Howell said it’s difficult to remove or add verbiage to encompass every situation that may arise. Animal Control officers judge each situation individually and the proper language is needed in order to enforce the ordinances. She stated the Department is required to enforce state ordinances and our ordinances can be stricter but not more lenient.

Mr. Clarke stated the Illinois Farm Bureau is concerned about the wording in our ordinances. Ms. McCann noted that we are an urban & rural county and we service all municipalities within the county. Mr. Clarke distributed copies of a letter from the Office of the General Counsel of the Illinois Agricultural Association regarding their concerns of the proposed changes to County Animal Control ordinances.

Some of the language can be applied to other animals such as horses, sheep and hogs. Ms. McCann stated the Department of Agriculture handles issues with those animals. Mr. Clarke said we are creating rules that will allow someone from within the county to deal with these issues. He suggested referencing the Dept. of Agriculture rules. Dr. Stinson asked why it was necessary to have separate ordinances to cover the same problem. Ms. Howell said when in court, the Department follows the Illinois State laws.

Ms. Howell stated that under The Humane Care for Animals Act, Animal Control can only impound or enforce when there are extenuating circumstances and the animal is about to die. Under our local ordinances, we can impound animals for a broader range of reasons if owners are derelict in their duties. Ms. Howell said she will speak to the State's Attorney's Office about adding the first sentence in Section 13 of the Humane Care for Animals Act.

Ms. McCann suggested moving the reckless dog owner definition to 8.04.940 Penalties, Fines & Remedies – Section B.

Ms. Howell added a definition of tether from the Illinois State Law.

8.04.840 Permits, Fees Licenses, Registrations

Ms. Howell told members she spoke with the attorney from the Department of Agriculture and as the Animal Control Administrator, she is required to enforce vaccinations and administer and retain the certificates. She also noted the Department needs to have an administrative way to keep track of the vaccinations. The simplest way to do that would be to connect the vaccinations with registration as we do with dogs.

Ms. Howell explained that registration would start with cats that already have violations, then move on to cats that have been vaccinated. Ms. Howell noted there are approximately 8,000 cats that are vaccinated in the county. Information would be sent out to veterinarians so they would be aware of the new law.

Mr. Clarke suggested adding that feral cats are exempt under County Dog or Cat Registration. Ms. Howell said she would add this to Section A, and also add it to 8.04.890 Rabies Vaccination, Section A-Vaccination Requirement. Ms. Adamson said we can cross-reference the definition of a feral cat.

Medical Exemption: Mr. Clarke disagreed with the 1-year only exemption saying it is an inconvenience for owners. Ms. McCann would like to see the language changed to 1 or 3 year exemption and rabies tag.

8.04.870 Public Nuisance

Section A- Running at Large: The word "shall" in sections 1, 2 & 3 will be changed to "may" in order to allow Animal Control Officers to use their judgement depending on the circumstances.

Section K-Barking Dogs: Mr. Clarke said that farm production dogs should be exempt from this ordinance. A question was raised by exempting feral cats and farm production dogs and cats, is the Department exempting them from everything? Ms. Gaffney noted that feral cats are not exempt from nuisance violations and farm dogs should not be exempt from barking dog violations.

Ms. Adamson said the Animal Control officer must be able to use their judgement depending on the circumstances and how they are enforced. Ms. McClain Trevino agreed and said the more exemptions you make, the more complicated the ordinances become.

Ms. Adamson said that the wording from Section 13 (Humane Care for Animals Act) previously discussed, can be added to the general provisions, make it available for public opinion and send it to the State's Attorney's Office to review if the language is sufficient to cover these issues.

Section R - Nuisance Wildlife: Ms. Howell said this was included to make the public aware that Animal Control doesn't issue these permits or licenses. There is information available on the website.

A suggestion was made to reference and hyperlink the Illinois Department of Natural Resources for easier access.

8.04.920 Cruelty to Animals

Section B- Owners Duties: Ms. Howell told the committee that some of the language was revised to help clarify and educate an owner and what is expected of them. Mr. Clarke stated the language the Department used is too restrictive and would prefer to use the same verbiage that is from the Humane Care of Animals Act. Ms. Howell said she has been requested on multiple occasions to clarify the ordinances because the language was too vague.

It was decided to let the public and law enforcement and veterinarians review these changes and hear their opinions.

Mr. Clarke was concerned that these requirements would apply to farm production animals, such as cattle. It was noted by Ms. McCann that these requirements refer to domestic animals not farm production animals on agricultural land.

After a brief discussion of veterinary care, the word "regular and" was removed from first line in #3.

Section C-Sheltering: It was recommended to remove the word "constant" in the second sentence.

Section F-Tethering: Ms. Howell told committee members we can add the subsection back into the ordinance regarding the exemption of agricultural production animals.

There was some difference of opinion in having exact hours that a dog can be tethered and Ms. Howell will change the wording to “an extended period.”

8.04.930 Violation of 8.04.920

Section D-Notice of Impoundment: Ms. Howell explained during a court case, owners have to post security for the days of care each month and are required by Court order to post it within 5 days [of the hearing] to the Circuit Clerk. If it's not posted, the animal will be forfeited.

Committee members agreed to remove the last sentence in Section D.

8.04.940 Penalties, Fines and Remedies

Section A-Fines: The word “ownership of” will be added to the first sentence.

Ms. Gaffney asked where the Reckless Dog description should go. After a short discussion, Ms. Howell will ask for State's Attorney's input on this matter.

ADJOURNMENT

Motion made by Ms. McCann, second by Ms. Gaffney to adjourn meeting at 9:15 pm. Motion passed unanimously with a voice vote.