

Bolingbrook puts leash on vicious dogs

Staff writer

Ordinance reduces number of incidents required to muzzle dogs

By Don Grigas

If Mayor Roger Claar and the Bolingbrook Village Board could have their way, threatening and vicious dogs -- particularly those considered dangerous breeds -- would no longer be allowed within the village's limits.

But because state law currently prohibits municipalities from banning specific breeds of dogs, the village will try to do the next best thing: make it easier for authorities to require dog owners to confine, muzzle and tether dogs labeled vicious, and increase the fines for code violations associated with dangerous and vicious dogs.

"To be honest, I'd like to see them (pit bulls) banned, but the state won't allow municipalities right now to ban specific breeds," Claar said. "If we could (ban breeds) that ordinance would have been passed 12 or 13 years ago."

At the Nov. 8 Village Board meeting trustees approved an amended ordinance addressing dangerous and vicious dogs, an action that reduced the number of dangerous incidents required before the village can impose stringent restrictions on dogs that have attacked humans or other animals.

Under village code there are two classifications of dogs: "dangerous" or "vicious"; once designated as vicious, owners must tether, confine and muzzle the dogs.

Prior to passage of the amendment, a section of the ordinance established a minimum level of three reported incidents of dangerous behavior before a dog could be designated "vicious."

"The amendment reduces the number of dangerous incidents from three to two to establish the distinction of a vicious dog, resulting in those restrictions that accompany that designation," said Jim Boan, village attorney.

According to Lt. Tom Ross, spokesman for the Bolingbrook Police Department, village officials have the authority to determine if a dog is dangerous; a judge decides whether or not a dog is considered vicious.

Vicious dogs that have another occurrence of biting or threatening can be impounded and put down, following a due process hearing.

Boan said village code also lists other criteria that result in a dog being deemed vicious "automatically," including: unprovoked biting of humans or

other animals on public or private property, and a "known propensity, tendency or disposition to attack without provocation."

"The step process is not the only method for a dog to be designated as vicious," Boan said.

The village also will examine the possibility of increasing the level of fines for owners whose dogs are cited for aggressive incidents.

"We will toughen up the ordinance as much as we can, and will continue to research ways to toughen it up even more," Claar said.

Under current code, violations of the ordinance result in fines of \$250 per occurrence.

"I'd like to see us take that to whatever maximum is possible," Claar said. "We'll keep ratcheting up the penalties as much as we can."

The village also added a section to the ordinance, using Romeoville as a model, that provides another definition of a vicious dog.

According to the new language, if a dog exhibits traits or characteristics of viciousness or dangerousness, is generally known to have a reputation for those characteristics, or takes part in unprovoked attacks on a human or animal, it will be considered vicious, Boan said.

When the village tried to stiffen the ordinance more than 10 years ago, it received backlash from dog owners worldwide.

"It was picked up by national media when we tried to make significant changes, and (we) received letters from people in Canada and Europe saying it wasn't fair," Claar said.

"At this point, after reading about the McHenry incident and knowing of a couple of circumstances here in town, I don't care anymore," he added.

"No one should have to live in that kind of fear in a residential neighborhood," Claar said. "Residents are afraid to let their children play in their own yards if they live in a neighborhood with a pit bull."

"I know many dog owners will take issue with this, but there are a lot of people out there who agree with our thinking," Claar said.

Why can't a village enact laws that allow a dog just one bite or dangerous incident before it is considered vicious?

"This type of law has its root in old common law, and the 'one bite' issue," Boan said. "There may be situations in which a dog is startled, or is provoked by someone, maybe an intruder, and there is some reason why it reacts by biting," he said. "They are allowed one bite."

Currently six dogs in Bolingbrook are listed as dangerous, three as vicious, according to statistics supplied by the Bolingbrook Police Department.

Provisions in the village code also prohibit cruelty to animals, and a section says a dog will not be considered vicious if it bites, attacks or menaces a trespasser, or anyone who has abused or tormented it.

Claar challenged state legislators to review state statutes and take a stronger stand on the issue.

"Right now the state does not allow a municipality to ban a breed of dog, although pit bulls are notorious for it (aggressive and vicious behavior)," Claar said.

Claar said he hopes a Nov. 5 incident in Cary, in which two 10-year-old children were attacked by three pit bulls, will prompt the state legislature to take stronger action against violent dogs.

"Maybe this will bring the issue to the forefront, and the legislature will be forced to take some action," Claar said.

The three pit bulls in the Cary incident were shot to death by McHenry County Sheriff's deputies at the scene of the attacks.

Four adults who tried to aid the children -- including the owner of the dogs -- also suffered injuries during the attacks. The two children suffered injuries, but lived through the ordeal.

Authorities encourage residents to report dangerous animal behavior to the village in order to document the occurrences, and set in motion the designation level step process.

"One of the problems is, if people don't report the dangerous behavior to the police or Animal Control, then it never gets documented," Boan said. "If we don't know about it, it never gets placed on record."

Ray McGury, chief of police, said the village is trying to meet with other law enforcement agencies and municipalities to review best practices when it comes to vicious dogs.

"We have had incidents, unfortunately, where officers arrive on the scene and have had to use deadly force," McGury said.

Trustee Joe Morelli asked if the village could require owners to provide higher fencing or other security measures for dogs labeled vicious.

"That begs the question, why would you even want an animal like that," Claar said.

The issue is expected to come up again at the Tuesday, Nov. 22, board meeting. The meeting begins at 8 p.m. at Village Hall, 375 W. Briarcliff road.

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