



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

July 26, 1976

FILE NO. S-1128

COUNTIES:

**Confinement of Dangerous
Dogs and Dogs Running at
Large**

Honorable Robert J. Bier
State's Attorney
Adams County
P.O. Box 66
Quincy, Illinois 62301

Dear Mr. Bier:

I have your request for my opinion as to whether or not the County may contract with one or more licensed veterinarians to confine dangerous dogs or dogs suspected of rabies rather than maintain a county animal shelter. You also ask if the County Board has any obligation to maintain a shelter for the confinement of dogs running at large within an incorporated municipality such as the City of Quincy

Honorable Robert J. Bier - 2.

which itself has a leash law when Adams County does not have a leash law.

Your first question refers to section 13 of the Animal Control Act (Ill. Rev. Stat. 1975, ch. 8, par. 363) which provides in pertinent part:

"When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. * * * When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of 10 days, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory. * * * (emphasis added.)

"The plain and obvious meaning of the language used by the legislature is the safest guide to follow in construing any act." (Landry v. E.G. Shinner & Co., 344 Ill. 579, at 584.) The statute clearly requires confinement on the terms specified but does not limit the place thereof nor require maintenance of a county animal shelter.

This view is consistent with section 12 of the Act (Ill. Rev. Stat. 1975, ch. 8, par. 362) which reads as follows:

Honorable Robert J. Bier - 3.

"The owner of any dog or other animal which exhibits clinical signs of rabies, whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator." (emphasis added.)

Contracts between a county and one or more veterinarians concerning confinement are within the scope of section 10 of article VII of the Illinois Constitution which reads as follows:

* * * * Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. * * * *

"This section was intended to encourage cooperation and * * * to remove * * * 'the necessity under Dillon's Rule of obtaining statutory authorization for each cooperative venture by a unit of local government or a school district'." Village of Elmwood Park v. Forest Preserve District, 21 Ill. App. 3d 597, at 601.

Honorable Robert J. Bier - 4.

It is, therefore, my opinion that a county may contract with one or more licensed veterinarians to confine dangerous dogs or dogs suspected of rabies.

Your second question is whether the County Board has any obligation to maintain a facility for the confinement of dogs running at large within an incorporated municipality which has a leash law when the county does not have a leash law.

Section 5 of the Animal Control Act (Ill. Rev. Stat. 1975, ch. 8, par. 359) requires impounding only where a dog is running at large in violation of that Act. For that purpose, any available public pound may be used. It provides:

"§ 9. Any dog found running at large contrary to provisions of this Act shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available public pound." (emphasis added.)

The only provision in the Animal Control Act prohibiting running at large appears in section 15 (Ill. Rev. Stat. 1975, ch. 8, par. 365) which provides in pertinent part:

"It is unlawful for any person to maintain a public nuisance by permitting any dangerous

Honorable Robert J. Bier - 5.

dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods. * * * *

The Act does not direct a county to maintain a facility for dogs violating a municipal ordinance and no other statute appears to require such a facility.

In my opinion, therefore, the county board is not obligated to maintain a facility for the confinement of dogs running at large within an incorporated municipality which has a leash law when the county does not have a leash law.

Very truly yours,

A T T O R N E Y G E N E R A L