

**VILLAGE OF VERNON HILLS
ORDINANCE 2025-079**

**AN ORDINANCE AMENDING CHAPTER 4 – “ANIMALS”- OF THE VILLAGE CODE
OF THE VILLAGE OF VERNON HILLS, ILLINOIS**

WHEREAS, the Village of Vernon Hills is a home rule municipality pursuant to Article 7, Section 6, of the Illinois Constitution and is acting in accordance with its home rule authority in enacting this ordinance; and

WHEREAS, the Corporate Authorities of the Village of Vernon Hills have reviewed the recommendation of the Vernon Hills Police Department regarding revisions and updates to the Village Code regarding Animal Control; and

WHEREAS, the Corporate Authorities of the Village of Vernon Hills have determined that the public interest can be best served and have deemed it to be in the best interests of the health, welfare, and safety of the residents, property owners and the businesses of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: INCORPORATION

The recitals set forth above shall be and are hereby incorporated in Section 1 as if restated herein.

SECTION 2: APPROVAL OF AMENDMENTS

That Chapter 4, Article 2 of the Vernon Hills Village Code be hereby amended to add Section 4- 49 through Section 4-54 and shall read in its entirety as follows:

Sec. 4-49: – BITING OF PERSONS BY ANIMALS:

Whenever any person has been bitten by an animal, the Village, by a police officer shall notify Lake County Animal Care and Control in accordance with Section 13(a-15) of the Animal Control Act, 510 ILCS 5/13(a-15), as now in effect or hereafter amended or codified.

Sec. 4-50:- DESTRUCTION OF PROPERTY BY ANIMALS:

It shall be unlawful for any owner of any animal to permit such animal to damage or destroy any personal property of another person. The owner of any animal which damages or destroys any public or private property shall be in violation of this Section 4-50 and subject to penalties as provided for in this Article 2 and may be held liable for the full value of the property damaged or destroyed.

Sec. 4-51: DANGEROUS DOG DETERMINATION:

(a) An investigating Officer must conduct an investigation and make a written finding that a dog is a "dangerous dog" as defined by Section 2.05(a) of the State Animal Control Act

("the "Act") (510 ILCS 5/2.05a.) to be : (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person or companion animal and does not cause serious physical injury.

The investigation shall include, but is not limited to:

- (1) sending notice to the dog's owner within ten (10) business days that an investigation has been initiated and affording the owner an opportunity to meet with the investigating Officer prior to the making of a determination;
 - (2) gathering evidence, including relevant medical or veterinary evidence; and
 - (3) making a written report.
- (b) A dog shall not be declared dangerous if an investigating Officer determines the conduct of the dog was justified because:
- (1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the dog;
 - (2) the threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
 - (3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring;or
 - (4) the dog was responding to pain or injury or was protecting itself, its owner, or a member of its household, kennel, or offspring.
- (c) The statement of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

- (1) Guide dogs for the blind or hearing impaired, support dogs for persons with physical disabilities, accelerant detection dogs, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each dog shall be currently inoculated against rabies.
 - (2) No dog shall be deemed a "dangerous dog" unless shown to be a "dangerous dog" by a preponderance of evidence.
 - (3) An investigating Officer shall provide notice of his or her determination that a dog is dangerous by causing such notice to be sent immediately to the dog's owner by personal service or by registered or certified mail, return receipt requested or by overnight delivery by a recognized commercial delivery service (such as FedEx or UPS). The delivery of the notice shall be deemed to be sufficiently given on the date it is delivered in person or four (4) calendar days after being deposited for delivery in the United States mail with proper postage prepaid or the following day if sent by overnight delivery by a commercial delivery service. If the dog is determined to be a "dangerous dog," notice of the owner's right to appeal the determination shall be delivered to the owner together with the notification that the dog is a "dangerous dog."
- (d) Owner's Obligations: After a dog has been determined to be dangerous, the owner may be instructed to comply with any or all of the following requirements as deemed appropriate by the Vernon Hills Chief of Police ("Chief of Police") or his designee under the circumstances and necessary for the protection of the public.
- (1) No dangerous dog shall be permitted to leave the premises of its owner when not under control by a leash or by another recognized control method.
 - (2) The owner of a dangerous dog shall display in a prominent place on the premises where the dog is to be kept a sign which is readable by the public from a distance of not less than one hundred (100') feet using the words "Warning Dangerous Animal." The owner shall also display a sign with a symbol warning a child of the presence of a dangerous animal. Exact or similar signs shall be posted on the animal's kennel, pen or enclosed structure. The cost of the signage shall be borne by the owner of the dangerous animal.
 - (3) The Chief of Police or his designee shall order the dog to be spayed or neutered and microchipped, if not already, within fourteen (14) calendar days of delivery of the written report to the owner. The owner shall be responsible for all costs associated with spaying or neutering and microchipping.
 - (4) The Chief of Police or his designee may order the dog to be evaluated by a certified applied behaviorist, a board-certified veterinary behaviorist or another

recognized expert and to complete a training program. The owner of the dangerous dog shall be responsible for all costs associated with evaluations and training.

- (5) The Chief of Police or his designee may order direct supervision of the dangerous dog by an adult 18 years of age or older whenever the dog is on public premises.
 - (6) The Chief of Police or his designee may order a dangerous dog to be muzzled whenever it is on public premises.
 - (7) The owner of an animal found to be a dangerous animal must carry full liability insurance for any damage, injury or death caused by the animal in an amount not less than one hundred thousand dollars (\$100,000.00). Upon the declaration that an animal is dangerous, the owner of the animal must provide proof to the Village Manager or his designee that the owner possesses the required insurance. Anytime thereafter, upon request of the Village, the owner shall be required to present proof that the owner is maintaining said insurance.
 - (8) No owner or person shall knowingly or recklessly permit any dangerous animal to be at large within the Village unless properly controlled. The owner of a dangerous animal shall notify the Village's police department immediately upon learning the dangerous animal is unconfined or on the loose, or if the animal has attacked a human being or domestic animal.
- (e) Impoundment: If an owner fails to comply with the requirements of this Section, a law enforcement Officer shall impound the dog, and the owner shall pay a \$500.00 fine to the Village plus impoundment fees to the animal control agency impounding the dog. A dog found to be a dangerous dog shall not be released to the owner until the owner pays all fines and fees and complies with the requirements of this Section, including but not limited to proper leash length, spaying or neutering, and microchipping. An owner of a dangerous dog which has caused an injury to a person resulting in the impoundment of the dog shall be entitled to redeem the dog in accordance with the provisions of Section 10 of the Animal Control Act, 510 ILCS 5/10, as now in effect or hereafter amended or codified.

Sec. 4-52: VICIOUS DOG DETERMINATION:

- (a) An investigating Officer must conduct an investigation and make a written finding that the dog is a "vicious dog" as defined by this Section 2.19b of the Act, 510 ILCS 5/2.19b to be: a dog that, without justification, attacks a person or an animal and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

The investigation shall include, but is not limited to:

- (1) sending notice to the dog's owner within ten (10) business days that an investigation has been initiated and affording the owner an opportunity to meet with the investigating Officer prior to the making of a determination;
 - (2) gathering evidence, including relevant medical or veterinary evidence; and
 - (3) making a written report.
- (b) A dog shall not be declared vicious if an investigating Officer determines the conduct of the dog was justified because:
- (1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the dog; or
 - (2) the threatened, injured, or killed person was abusing, assaulting, or physically threatening the dog or its offspring or has in the past abused, assaulted, or physically threatened the dog or its offspring; or
 - (3) the dog was responding to pain or injury or was protecting itself, its owner, or a member of its household, kennel, or offspring.
- (c) The statement of a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- (d) No dog shall be deemed a "vicious dog" unless shown to be a vicious dog by clear and convincing evidence. No dog shall be declared vicious based solely on its breed.
- (e) Guide dogs for the blind or hearing impaired, support dogs for persons with physical disabilities, accelerant detection dogs, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each dog shall be currently inoculated against rabies.
- (f) An investigating Officer shall provide notice of his or her determination that a dog is vicious by causing such notice to be sent immediately to the dog's owner by personal service or by registered or certified mail, return receipt requested or by overnight delivery by a recognized commercial delivery service (such as FedEx or UPS). The delivery of the notice shall be deemed to be sufficiently given on the

date it is delivered in person or four (4) calendar days after being deposited for delivery in the United States mail with proper postage prepaid or the following day if sent by overnight delivery by a commercial delivery service. If the dog is determined to be a "vicious dog," notice of the owner's right to appeal the determination shall be delivered to the owner together with the notification that the dog is a "vicious dog."

- (g) Owner's Obligations: After a dog has been determined to be vicious, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog shall be removed from the Village. If an owner fails to comply with these requirements within 10 days, the Chief of Police or his designee may order the impoundment of the dog, and the owner shall pay impoundment fees to the animal control agency impounding the dog. A dog found to be a vicious dog shall not be released to the owner until the Chief of Police or his designee approves where the dog will be relocated. No owner or keeper of a vicious dog shall sell or give away the dog without approval from Chief of Police, his designee or the Lake County Animal Administrator. Whenever an owner of a vicious dog relocates, he or she shall notify both the Chief of Police and Administrator of Lake County Animal Care and Control where he or she has relocated where he or she formerly resided.

Sec. 4-53: APPEAL

Any person aggrieved by a determination under this Section that a dog is a "dangerous dog" or "vicious dog" shall have to file a complaint against the Village in the Circuit Court of Lake County, Illinois, within twenty-one (21) calendar days of receipt of notification of the determination, for a *de novo* hearing on the determination. The proceeding shall be conducted as a civil hearing in accordance with the Illinois Rules of Evidence and the Code of Civil Procedure, including its discovery provisions. After hearing both parties' evidence, the court may make a determination of "dangerous dog" if the Village meets its burden of proof by a preponderance of the evidence or the court may make a determination of "vicious dog" if the Village meets its burden of proof by clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules. In the event that a civil suit to appeal the determination of an investigating Officer is not taken within twenty-one (21) calendar days, the owner shall be deemed to have acquiesced in the finding or decision and the matter shall be deemed concluded.

Sec. 4-54. – REDEMPTION OF IMPOUNDED DOGS AND DISPOSITION OF UNREDEEMED DOGS.

- (a) Any dog for which the owner is unknown and which shall have been impounded may be redeemed after three days of such impoundment by any person on payment of all impoundment fees and costs. If any such dog is not redeemed within six days after being impounded, such dog shall be subject to being destroyed or subject to an alternative suitable placement by order of the Chief of Police or his designee ;

provided, the Impoundment Facility may, in its discretion, release any such dog to any person paying the fees provided to be paid in cases of redemption, or may release any such dog to a suitable animal care provider , or to other organizations with or without the payment of fees or costs.

- (b) When any dog for which the owner is known is taken up or impounded, the owner shall pay the cost of keeping such dog while impounded. If, at the expiration of six days from the date of notice to the owner, such dog shall not be redeemed by the owner, the Impoundment Facility may, in its discretion, release any such dog to any persons paying the fees above provided to be paid in case of redemption or may release any such dog to a suitable animal care provider ., or to other organizations with or without the payment of any fees or costs.

SECTION 3: EFFECTIVE DATE

The ordinance shall be in full force and effect from its passage, approval and publication as provided by law.

SECTION 4: ORDINANCE NUMBER

This ordinance shall be known as ordinance number 2025-079.

Dated the 17th day of June, 2025.

Adopted by roll call vote as follows:

AYES: 6 – Forster, Marquardt, Lundeen, Oppenheim, Schenk, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 – Takaoka


Thom Koch Jr., Village President

PASSED: 06/17/2025

APPROVED: 06/17/2025

ATTEST: 06/17/2025


Kevin Timony, Village Clerk



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ORDINANCE NO. 2025-079

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THE VILLAGE OF VERNON HILLS, ILLINOIS

THE 17th DAY OF JUNE 2025

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this
17th day of June, 2025

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2025-079 AN ORDINANCE AMENDING CHAPTER 4 – “ANIMALS”- OF THE VILLAGE CODE OF THE VILLAGE OF VERNON HILLS, ILLINOIS TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM JUNE 17, 2025 TO JULY 1, 2025.



Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17th DAY OF JUNE, 2025



Notary Public

