

ORDINANCE NO. 1680-5-25

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF AVILLA, INDIANA
ADDING ARTICLE II TO CHAPTER 91 OF THE TOWN CODE TO REGULATE VICIOUS
DOGS**

WHEREAS, the Town Council of the Town of Avilla finds that current ordinances are inadequate to address ongoing concerns related to dangerous or vicious dogs within the Town; and

WHEREAS, the Town Council finds it necessary to establish additional regulations for the protection of public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Avilla, Indiana, as follows:

Article II – Vicious Dogs

§ 91.20 DEFINITIONS

For purposes of this Article:

- **Owner** means any person, firm, corporation, organization, or department possessing, harboring, or having the care, custody, or control of a dog.
- **Vicious Dog** means:
 1. A dog that has, without provocation, attacked or bitten a person or domestic animal; or
 2. A dog that has a known propensity or disposition to attack unprovoked; or
 3. A dog that has been declared vicious by the Town Marshal pursuant to this Article.
- **Unconfined** means not securely confined indoors or within a locked pen or structure having secure sides, a secure top, and a secured bottom or embedded sides, located on the premises of the owner.

§ 91.21 DETERMINATION OF VICIOUS DOG

(A) The Town Marshal shall have the authority to determine that a dog is a vicious dog as defined in this Article.

(B) Upon making such a determination, the Town Marshal shall issue a written notice to the dog's owner, which shall include:

1. The factual basis for the determination;
2. The effective date of the designation;
3. The required conditions for confinement and control; and
4. Notice of the right to appeal the determination.

5-21-25

Theresa L. Lusk
William H. Lusk
J. M.

§ 91.22 APPEAL PROCESS

(A) The owner may appeal the Town Marshal's determination by filing a written request with the Town Manager within **ten (10) calendar days** of receipt of the notice.

(B) The Town Manager shall serve as the Appeal Officer and shall:

1. Hold a hearing within fifteen (15) calendar days of the appeal request;
2. Permit the owner and Marshal to present relevant evidence; and
3. Issue a written decision within five (5) business days following the hearing.

(C) The decision of the Town Manager shall be final.

§ 91.23 CONFINEMENT REQUIREMENTS

Owners of a dog determined to be vicious shall:

- Confine the dog indoors or in a secure pen meeting the following:
 1. Locked enclosure with secure sides, top, and bottom (or sides embedded at least twelve inches into the ground);
 2. Adequate shelter, lighting, ventilation, and sanitation;
 - Post conspicuous signage at each entrance to the premises warning of a vicious dog;
 - Affix a similar sign to the dog's pen or kennel.
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§ 91.24 CONTROL IN PUBLIC

A vicious dog may not be removed from its confinement except:

- For veterinary care or lawful transport;
 - If it is securely muzzled, on a leash no longer than six feet, and under the control of a person 18 years or older physically capable of restraining it.
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§ 91.25 INSURANCE REQUIREMENT

Within thirty (30) days of final determination, the owner shall provide proof of **liability insurance in the minimum amount of \$100,000** covering injuries caused by the vicious dog. Failure to provide proof of insurance is a violation of this Article.

§ 91.26 PROHIBITION ON DOG FIGHTING

No person shall own, possess, harbor, or train any dog for the purpose of fighting or baiting, or encourage aggression toward humans or animals.

§ 91.27 IMPOUNDMENT; SEIZURE; DESTRUCTION

(A) The Town Marshal may seize any dog found in violation of §§ 91.23–91.25 or presenting an immediate threat.

(B) Impounded dogs shall be held at a facility designated by the Town for a minimum of ten (10) days.

(C) Dogs not reclaimed in compliance with this Article may be humanely destroyed. Costs of boarding, seizure, and destruction are the responsibility of the owner and are collectible as a civil debt.

§ 91.28 PENALTIES

Each violation of this Article constitutes a **separate municipal ordinance violation**, punishable by a fine of up to **\$2,500 per day** and such additional remedies as may be permitted under Indiana law.

§ 91.29 EMERGENCY DESTRUCTION

In the event a vicious dog attacks a law enforcement or animal control officer in the performance of duties under this Article, the officer is authorized to destroy the dog without liability.

§ 91.30 SEVERABILITY

If any section or provision of this Article is held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid part.

§ 91.31 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon adoption and publication as required by Indiana law.

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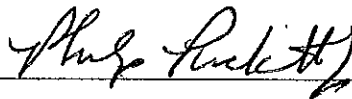
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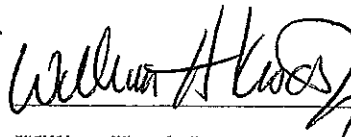
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PASSED AND ADOPTED this 21 day of MAY, 2025.

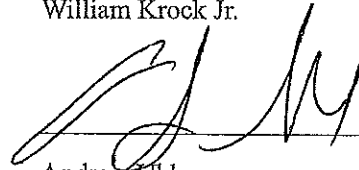
AVILLA TOWN COUNCIL



Philip Pucket, Jr., President



William Krock Jr.



Andrew Uhl

ATTEST:

Rita Grocock, Clerk-Treasurer