

ORDINANCE NO. 95-12

AN ORDINANCE SETTING RULES AND REGULATIONS FOR ALL TYPES CANINE ANIMALS THAT ARE OWNED BY PERSONS WITHIN THE CITY LIMITS OF THE CITY OF NEWTON, TEXAS PROHIBITING ANY ANIMAL TO WILLFULLY SUFFER, OR CREATE A NUISANCE TO ANY OTHER PERSON IN THE CITY, PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS;

That upon and after passage of this ordinance the following rules and regulations shall be in full force and effect for any animals within the City Limits of the City of Newton, Texas.

ARTICLE 1: DOGS

Section 1: DEFINITIONS

Animal Control Officer shall mean the person designated by the City Administrator to represent and act for the City of Newton, Texas, in the impoundment of animals, controlling of animals running at large and as otherwise provided and required in the article.

At large shall mean off the premises of the owner to care for the animal by leash, cord, and chain or otherwise.

Inhumane treatment shall mean any treatment to any animal which deprives the animal which deprives the animal of necessary sustenance, including food or water or protection from weather or any treatment of any animal such as overloading, overworking, tormenting, beating abandonment, mutilating or teasing, or other abnormal treatment as may be determined by the animal control officer.

Owner shall mean any person or persons owning, possessing, harboring, keeping, or sheltering any animal.

Person shall mean any individual, firm, association, syndicate, partnership, or corporation.

Vaccination shall mean an injection of United States Department of Agriculture approve rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.

Section 2. REGISTRATION AND LICENSING OF DOGS

- A) Required.** No resident of the City of Newton shall have a dog within the corporate limits of the city for which said dog there is no valid license and tag issued by the city.
- B) Fee; application.** All such licenses shall be issued by the City of Newton upon payment of a license fee in the amount of three dollars (3.00) and presentation of a properly completed application for license and a certificate from a licensed veterinarian showing that said dog has been vaccinated for rabies within one year from the date application is made for such license. Application for a license shall be upon printed forms furnished by the City for such purpose and shall require the name, address, and phone number of the owner, and the name, breed, and sex of the said dog. For dogs that are not registered a penalty of ten dollars (10.00) will be assessed in addition to the licensing fee.
- C) Term.** The license shall be valid for the life of the animal.
- D) Tag.** Upon compliance by the owner of a dog with the said registration and licensing requirements of this section, said owner shall be issued a license certificate and a metallic tag for each dog so licensed.

Section 3. Collar and Links

- A) Required.** The owner of a dog shall provide and place on such dog a collar or harness to which the license tag and vaccine tag required by this article shall be affixed and said owner shall see that the collar and tags are at all times worn by said dog.
- B) Duplicates.** In case a dog's tag is lost or destroyed, a duplicate will be issued by the City of Newton upon presentation of the receipt showing the payment of the license fee for the current time, presentation of a certificate showing that the said dog has been vaccinated within one year of the date thereof, and the payment of a .50 cent fee for such duplicate.
- C) Transferability; refunds.** Dog tags shall not be transferable from one dog to another and no refunds shall be made on dog license fee because of the death of a dog or the owner leaving the city before the expiration of the licensee period.

Section 4: Duty of Owners and Persons in Control and Protection of Animal

It shall be unlawful for any owner or person to:

- a) Raising, owning, and/or keeping any animal t allow such animal to run at large upon the public streets, avenues, alleys, parks or other public property of the city, or to allow such animal to run at large or go upon the premises of another person. In this section the term "at large" shall mean off the premises of the owner whole not under the complete control of the owner, either by leash, cord, chain, or otherwise.**

- b) Perform, do or carry out any inhumane treatment against any animal (animal control officer may rescue any so mistreated animal).
- c) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions, become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the animal control officer.
- d) Keep or harbor any dangerous or vicious animal or animals within the corporate city limits of the city.
- e) Allow any proud bitch in their possession to run at large on the public streets of the City of Newton.
- f) Fail to prevent any dog from running at large and not confined by the owner or other persons authorized by the owner to care for the dog in his or her home or escape-proof fence, or on leash, cord, chain or other device, or allowing the dog to cause damage to persons, property or other animals, or creating a nuisance to other individuals or animals within the corporate limits of the city.
- g) To conceal an animal or interfere with the animal control officer or persons designated by him, in the performance of their legal duties, as provided in this chapter.
- h) The Chief of Police, pound master or authorized official shall have the authority to issue a ticket or citation to any person owning or possession an animal that has violated this section. The tickets or citations shall be issued after a complaint has been properly filed with the city.
- i) Any person violating subsection (a) shall be fined no less than 20.00 and no more than 75.00 for each offense, plus 2.50 per case.

Section 5: Impoundment, Redemption, Disposition, Notice of Impoundment, Adoption, Minimum Age for Vaccination

- a) Any dog found within the city in violation of any of the provisions of this article shall immediately be impounded and kept for a period of 10 days. If the owner or person having such dog in his charge does not call for the delivery to him of such dog within ten (10) days from the date the same was impounded, then such dog shall be killed by the pound master, or under his direction, unless the council shall direct that the dog be sold as provided by article 6968 of the Revised Statutes of the State of Texas for the sale of impounded stock, in which event, the pound master shall give the notice provided for such sale, make the sale, apply the proceeds to his charges and fees, pay the balance to the owner or other person in charge of the dog and execute to the purchaser a bill of sale, before delivery of the dog to the owner or person in charge thereof, such owner or person shall first pay all fees and charges to the pound master.

- 1) For dogs that have been properly licensed and tagged and who have lost their tags, upon payment of an impoundment fee of the sum of 8.00 for the first forty-eight hours and 5.00 boarding fee for each day or fractional part thereof after said dog has been impounded.
 - 2) For dogs that are unlicensed and untagged, upon payment of twenty dollars (20.00) impoundment fee plus five dollars (5.00) per day boarding fee for each day or fractional part thereof after said dog has been impounded.
 - 3) If said dog is not wearing a collar, in either subsection, (A) or (B) above, with a valid rabies and license tag attached, then owners thereof must present a certificate showing that said dog has been vaccinated within twelve (12) months from that date or have said dog vaccinated prior to its release from impoundment and must provide or secure a valid license tag for such dog.
 - 4) Provide the dog with a collar or harness to which the license and rabies tags are attached.
- B) The animal control officer shall, upon impoundment, attempt to call the owner and mail notice to the owner of any impounded animal which is wearing a collar with the city's registration tag attached thereto.
- C) Adoption: For persons wishing to adopt animal, the fee shall be five dollars. Prospective owners shall be required to have animals neutered, properly vaccinated and licensed at their own expense.
- D) Minimum age for vaccination: The minimum age for dogs having to meet requirements for vaccinations shall be either six (6) months of age or until the animal as fill set of canine teeth.

Section 6: Rabies Control:

- A) The City's animal control officer is hereby designated and directed to act as the local rabies control authority.
- B) The owner or keeper or every dog or cat shall have the dog or cat vaccinated against rabies by the time the dog or cat is 3 months of age and at regular intervals thereafter as prescribed by law.
- C) Any person violating subsection (B) shall be fined no less than twenty dollars (20.00) or more than seventy five dollars (75.00) for each offense, plus 2.50 per case.
- D) On the second conviction of failing to have a dog or cat vaccinated, the offense becomes a class B misdemeanor.
- E) A person commits an offense if the person transports a dog or cat 3 months of age or older without have an official rabies vaccination certificate or tag showing that the dog or cat has been vaccinated to prevent rabies.
- F) The local rabies control authority is required to dismiss charges against a person if the authority receives proof, within 10 days of the issuance of

the citation, that the animal had been vaccinated to prevent rabies before the date of the citation. If any dog or other quadruped animal has bitten any person, the owner of said dog or other quadruped animal shall immediately, and in any event not later 24 hours after immediately, and in any event not later than 24 hours after such biting, notify the animal control officer of such biting and have such dog or other quadruped animal impounded in the city dog pound or a veterinarian hospital in the city for a period of 21 days. No such dog or other quadruped animal so held for observation shall be released from impoundment without the authorization of the animal control officer. Such impoundment shall be at the expense of the owner of said dog or other quadruped animal except where, at the time of said biting, the said dog or other quadruped animal was wearing a collar or harness with valid license and rabies attached thereto and was lawfully restrained or on the owner's premises as required by this article, in which event the expense of confinement shall be against person so bitten, unless such person is on the premises with the express or implied consent of the owner, such as in the case of delivery men, guest, postmen, or utility meter readers, etc., in which event the cost of confinement shall be at the dog owner's expense.

SECTION 8: FALSE STATEMENTS

- a) Any false statement in rabies certificate or application for a dog permit shall render null and void the permit issued for such dog and such dog is to be impounded in accordance with the rules and regulations set out in this article.
- b) Any person who knowingly makes a false statement in any application, affidavit or other document required by this article or any regulation prescribed thereby shall be deemed guilty of a misdemeanor;

SECTION 9: FINES

Any person who violates any of the provisions of this article, shall be guilty of a misdemeanor and upon conviction in the corporation court (municipal court) shall be assessed a fine not to exceed \$200.00.

PASSED AND APPROVED this the 9th day of January, 1996.

Charles M. Glover, Mayor

Attest:
Mertice Weeks
City Secretary

