

ORDINANCE NO. 81-7

AN ORDINANCE SETTING RULES AND REGULATIONS FOR ALL TYPES OF FELINE OR CANINE ANIMALS THAT ARE OWNED BY PERSONS WITHIN THE CITY LIMITS OF THE CITY OF NEWTON, TEXAS, PROHIBITING ANY ANIMAL, FOWL, OR REPTILE 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, PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS; that upon an after passage of this ordinance the following rules and regulations shall be in full force and effect for feline or canine animals, or any animal, fowl, or reptile within the City Limits or the City of Newton, Texas.

Article 1. NOISE PROHIBITED.

No person shall willfully or knowingly keep or harbor on his premises any animal, reptile or fowl that makes or creates loud and obnoxious noises by whatever method created, thereby disturbing the peace of the neighborhood or disturbing the occupant of adjacent premises or people living in the vicinity of such loud or obnoxious noise.\

A person shall be deemed to have willfully and knowingly violated the terms of this section of such person shall have been notified by his neighbors or the chief of police or any police officer of such disturbance and shall have failed or refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence.

Article 2. OWNERS OF ANIMALS TO CONTROL THEM AND PREVENT THEM FROM DAMAGING PROPERTY OF ANOTHER; PENALTY FOR VIOLATION.

- a) It shall be unlawful for any person keeping, or having ownership, custody, charge control or maintenance, or exercising any of the same, of or over any animal, fowl, or reptile to suffer, cause, permit or allow any such animal, fowl or reptile to go into or upon any premises, public or private, belonging to another person or to other persons and situated within the corporate limits of the city and there to cause or inflict physical injury upon any person or upon any animal, fowl, reptile, or other living thing in captivity or belonging to another or such premise or upon any public way or thoroughfare or to damage or destroy any personal property or thing whatsoever belonging to another and located or growing on such premises.
- b) The chief of police, pound master or authorized police official shall have the authority to issue a ticket or citation to any person keeping or having ownership, custody, charge, control or maintenance, or exercising any of the same over any animal, fowl or reptile who permits or allows such animal, fowl or reptile to be in violation of preceding articles, said tickets or citations to be issued after a complaint has been properly filed with the City of Newton.

1. First Offense: Minimum charge for this violation is 20.00.
2. Maximum charge: 50.00 for each offense, plus five dollars per case as required by Senate Bill No. 841.

### Article 3. PROCEDURE WHEN ANIMAL BITES OR SCRATCHES A PERSON:

It shall be the duty of any person owning or having charge of any warm blooded pet which may have bitten, clawed or scratched any person to have such warm blooded pet confined by an authorized person for a period of ten (10) days, and, if for any reason the warm blooded pet is not so confined by the owner or other person keeping the same, a registered veterinarian shall impound such pet for observation. If, at the expiration of the ten (10) days, the health of the creature is satisfactory, the creature may be released upon the payment of all expensed incurred by such confinement and compliance with all provisions of this ordinance. In the alternative at the discretion of the chief of police, any creature subject to the provision and direction of the chief of police or an authorized person, provided that the permission hereby granted to keep a creature may be revoked at the discretion of the chief of police. If permitted to be confined by the owner, a licensed veterinarian shall be required to inspect such animal a minimum of four times during the ten days period, at the expense of the owner or keeper of the animal.

### Article 4- UNLAWFUL TO WASH DOWN LIVESTOCK TRUCKS WITHIN CITY LIMITS.

No person shall clean or flush the bed or body portion of any vehicle that is used in the transporting of livestock, or remove matter there from in any way, within the corporate limits of the city, at any commercial establishment or city streets.

### ARTICLE 6- CRUELTY TO ANIMALS.

It shall be unlawful for any person to cruelly mistreat any dumb animal in the city, or to willfully and wantonly kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, goad, swine, dog or other domesticated animal, bird, or beast of any kind, or to mutilate, cruelly kill, overdrive, over-ride, or over-load, or unnecessarily confine, or in any manner oppress he same, or to unnecessarily fail to provide the same with property food, drink or shelter, or to drive, work or use the same to be carried, hauled or forced along in a cruel or inhumane manner; or to leave any animal tied up or confined anywhere, day or night, for more than six hours at a time without properly feeding, watering and caring for the same. This section shall not be construed to prevent policemen or other persons from disposing of dogs or other animals when lawfully entitled to do so.

### Article 7- REPEALING ALL ORDINANCES IN CONFLICT HEREIWTH.

All ordinances or parts of ordinances now in effect that in any manner conflict with the provisions of this ordinance are hereby expressly repealed, and the provisions of this ordinance shall in all ways prevail.

#### ARTICLE 8- SAVING CLAUSE

Should any clause, part, or provision of this ordinance be declared invalid by a proper court of record, the clause, part of provision so declared invalid by a property court of record, the clause, part or provision so declared invalid shall in no wise effect the validity of the remaining portion of said ordinance.

#### ARTICLE 9- EMERGENCY CLAUSE

The fact that there is no ordinance now in effect of this nature for the protection, safety and welfare of the citizens of the City of Newton constitutes an emergency, therefore this ordinance shall become effective upon first reading and shall be in full force and effect upon passage by the City Council.

PASSED, APPROVED, AND ADOPTED on this the 11<sup>th</sup> day of August, 1981.

Approved: Steve Bean, Mayor

Attest: Mertice Jacks, City Secretary