

ORDINANCE NO. 17-12 (AMENDING / REPLACE ORD 99-9)

AN ORDINANCE AMENDING ORDINANCE 99-9 AMENDING 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. AMENDMENTS FOR NO CITY DOG POUND FACILITY; NO AMENDMENT TO FINES ARE AMENDED ORDINANCE.

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 Council 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: 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 to 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 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 3: Rabies Control:

A) The Police Chief 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 than 24 hours after such biting, notify the Police department of such biting and have such dog or other quadruped animal impounded at 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. 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 4: FALSE STATEMENTS

a) Any false statement in rabies certificate or application for a dog shall render null and void 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 affidavit or other document required by this article or any regulation prescribed thereby shall be deemed guilty of a misdemeanor;

SECTION 5: 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 ___th day of _____, 2017.

Mark Bean, Mayor

Attest:

Molly Will
City Secretary