

ORDINANCE NO. 2013- 02-05

**AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS
IN THE TOWN OF NEWTON; TO REPEAL ORDINANCES NUMBER 9-1-85 AND
ORDINANCE NUMBER 9-1-85-1, ENACTED ON OCTOBER 21, 1985.**

BE IT ORDAINED by the Town Council of the Town of Newton, Alabama, as follows:

SECTION I. DEFINITIONS

As used in this Ordinance, the following terms mean:

- A. Owner: Any person, group of persons or corporation, owning, keeping, harboring, or having any property right in and to an animal.
- B. Dog: A dog of either sex if over the age of three months including any and all members of the canine family.
- C. Cat: A cat of either sex if over the age of three months including any and all members of the feline family.
- D. Exposed to Rabies: A dog has been exposed to rabies within the meaning of this ordinance if it has been bitten by any other animal known or reasonably suspected to be infected with rabies in the opinion of a licensed veterinarian.
- E. Bite: The puncture of the skin by the teeth of a dog.
- F. Guide Dog: A guide dog is a dog which is used by a person legally blind as a guide to ambulation or a dog trained to assist the hearing impaired. Guide dogs shall be registered with the Town of Newton.
- G. Guard Dog: A guard dog is a dog which is trained and used by a commercial establishment for the express purpose of protecting and guarding private property. Guard dogs shall be registered with the Town of Newton.
- H. Rabies Suspect: Any animal evidencing clinical signs of rabies as determined by a licensed veterinarian.
- I. Animal Control Officer: Any agent designated by the Town Council, the Mayor, or the Chief of Police to enforce this ordinance.
- J. County Rabies Officer: The licensed veterinarian as defined in Section 34-29-61 of the Code of Alabama 1975, appointed by the County Board of Health and as approved by the State Health Officer and the State of Alabama Veterinarian to perform this duty.

- K. Written Complaint: A written report of an incident or condition alleged to be in violation of this ordinance, signed by the complainant.
- L. Restraint: A dog is considered to be under restraint when any of the following conditions exists:
1. The dog is confined in a building or fenced pen or yard on its owner's property or on the property of another person with the other person's consent.
 2. The dog is leashed and securely tied on its owner's property or on the property of another person with the other person's consent in such position that the dog cannot gain access to public property or other private property. If a dog is leashed or tied as restraint without a fence, said dog must be located in the rear or back yard of the property.
 3. The dog, whether on leash or not, is under the immediate and effective control of a responsible person; provided that the dog shall not be considered under restraint if it is on the property of a person other than its owner, without the consent of the other person.
 4. When the dog is in a public place restraint must be maintained by a leash not more than six feet in length and secured to a collar.
 5. The dog, though not meeting any of the conditions stated in (1), (2), (3) and (4) above, is in a peaceful attitude on the property of its owner, and is wearing vaccination tags as prescribed in Section III(A), below; provided, that the dog shall not be considered under restraint in this case if the dog was chased to its owner's property by the Animal Control Officer or other agent of the City, or if the dog is the subject of an outstanding written complaint duly filed with the Police Department.

SECTION II. ENFORCEMENT

The provision of this ordinance shall be enforced by the Police Department.

SECTION III. INOCULATION

A. It shall be unlawful for any owner or person to own, keep, harbor or allow any dog or cat more than three (3) months old, within the corporate limits of the Town of Newton unless it shall have been inoculated by a licensed veterinarian with anti rabies vaccine, within one year preceding the date on which such dog or cat is owned, kept, harbored or allowed within the Town as required by Section 3-7A-2 of the Code of Alabama 1975. Thereafter, a current inoculation is required with

the veterinarian's certificate showing either a one year or three year dose administered. A certificate from any veterinarian to that effect shall be sufficient proof of inoculation for the rabies vaccination required in this section. A tag giving notice of and date of such rabies inoculation shall be readily displayed on such dog as required by Section 3-7A-4 of the Code of Alabama 1975.

B. The owner or person owning, keeping, harboring, or in control of any dog shall keep at all times a collar or harness to which shall be attached a current rabies inoculation tag.

C. Upon the receipt of reasonable cause to suspect that a dog has not been inoculated as required by the ordinance, the Animal Control Officer and any Police Officer of the Town shall be authorized to enter upon the private property of a dog owner to request proof of inoculation.

SECTION IV. RESTRAINT

A dog owner shall keep his dog under restraint as defined herein at all times.

SECTION V. IMPOUNDMENT

A. Dogs not meeting the requirements of this ordinance or found abandoned or not under restraint may be seized and impounded by the Animal Control Officer, any Police Officer or other authorized agent of the City. Impoundment may be in any animal shelter designated by the City Council.

B. Notwithstanding the provision of Section V(A), if an animal is found at large not under restraint and its owner can be immediately identified and located, such animal need not be impounded but may instead, be released to the owner. In such case the Animal Control Officer or other agent of the Town releasing said animal shall issue a citation to said owner for violation of the restraint provision of this ordinance (Section IV).

C. If the owner of an impounded dog can be readily identified, the Animal Control officer shall make reasonable attempts to locate the owner, to inform him that the dog has been impounded, and to inform him of the requirements and deadline date for obtaining release of the dog.

D. If a dog is not redeemed by the owner within seven (7) days after impoundment, the dog may be disposed of by using an approved, humane method or donated to another shelter free from claim by owner.

E. An owner redeeming a dog from impoundment shall produce, before release, proof of current vaccination, and shall be issued a citation for violation of the restraint provision of this ordinance (Section IV). In addition, a boarding charge of Ten Dollars (\$10.00) will be levied for each twenty-four (24) hours or fraction thereof that the dog has been impounded. Such fees shall be collected by the Animal Shelter Manager and delivered to the Town of Newton.

F. A dog maybe released from impoundment to its owner under the following conditions:

1. The owner shall pay the appropriate boarding charges.
2. The owner shall be issued a citation for violation of the inoculation provision (Section III) of this ordinance if not current and a citation for violation of the restraint provision (Section IV) of this ordinance.
3. The owner shall be advised to obtain the necessary rabies vaccination within seven (7) calendar days of the date of release. Failure to obtain the necessary rabies vaccination within the time stated will subject the owner to another citation for a new and separate violation of the inoculation provision(Section III) of this ordinance.

SECTION VI. CARE OF DOGS

The owner of a dog shall provide it with humane shelter from heat, cold, and wind and shall give it food and water adequate to keep the animal in good health and comfort. Doghouses and kennels must be soundly constructed, dry and provided in cold weather with clean bedding. All dogs must be given the opportunity for vigorous daily exercise, and must be provided by their owners with veterinary care when needed to prevent suffering.

SECTION VII. CONFINEMENT OF FEMALE DOGS IN HEAT

The owner shall confine any female dog in heat, in such a manner that the dog will not be accessible to other dogs except for planned breeding and will not attract male dogs.

SECTION VIII. RABIES

All animals suspected of rabies, exposed to rabies, or which have bitten a human being shall be treated, handled, or quarantined according to Section 3-7A-1 through 3-7A-15 and 3-8-1 of the Alabama Code 1975 as amended and rules of the Alabama Department of Public Health and/or as directed by the County Rabies Officer.

SECTION IX. VICIOUS ANIMALS

A. The owner shall confine within a building or secure enclosure every fierce, dangerous, vicious dog or animal and not take the dog or animal out of the building or secured enclosure unless the dog or animal is on a leash and is securely muzzled. The owner of the dog or animal shall post in letters not less than two (2) inches in height upon the place of confinement so as to be easily seen

as a warning that a vicious dog or animal is on the premises. It shall be prime facie evidence that a dog or animal is fierce, dangerous, or vicious if it shall fiercely or viciously bite, chase, or attack another animal or if it shall bite, attack, or fiercely or viciously assault or chase any person.

B. Any dog or animal described in subsection (A) of this section found outside a building or secured enclosure, or not on a leash and muzzled shall be impounded by the Animal Control Officer or Police Officer or other person designated by the City, in the Animal Shelter and when in the judgment of a licensed veterinarian that the dog or animal should be destroyed for reasons of public safety or humane reasons, it may not be redeemed, and maybe destroyed as provided by such licensed veterinarian.

SECTION X. NUISANCE

A. It shall be unlawful for the owner of a dog, cat, or animal to allow or cause a dog, cat, or animal to do, cause, or have any of the following which is hereby declared to be a nuisance:

1. molest passersby or chase passing vehicles
2. attack other animals
3. trespass on school grounds
4. damage private or public property
5. have a communicable or contagious disease that is untreated or does not respond to treatment
6. cause or emit an offensive odor which can be detected off the property of its owner
7. to be kept in a manner which causes a breeding place for flies, lice, fleas, or other vermin or disease
8. unreasonable interference with a person's use and enjoyment of his/her property.

SECTION XI. KEEPING OF WILD ANIMALS

No person shall own, keep, or harbor any wild animal as a pet without obtaining all applicable and appropriate state permits.

SECTION XII. DUMPING, DROPPING, BRINGING INTO OF DOGS.

It shall be unlawful for any person to dispose of, drop off, bring into, or turn loose of, any dog regardless of age without the same being presented to and ownership claimed by a resident of the Town of Newton.

SECTION XIII. PENALTY

Any person or owner of a dog, cat, or animal convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be punished at the discretion of the Newton Municipal Court as follows:

A. First violation

1. A fine of not more than Twenty-Five Dollars (\$25.00).

B. Second violation

1. A fine of not more than Fifty Dollars (\$50.00).

C. Third Violation

1. A fine of not more than One-Hundred Fifty Dollars (\$150.00).

D. Fourth or any subsequent violation

1. A fine in an amount not exceeding Five-Hundred Dollars (\$500.00), or imprisonment of not more than thirty (30) days, or both such fine and imprisonment, at the discretion of the Municipal Judge trying the case.

SECTION XIV. SEVERABILITY

If any section or provision of this ordinance shall be declared invalid or unconstitutional by judgment of a court of competent jurisdiction, such judgment shall not affect any other section or provision of this ordinance.

SECTION XV. REPEALER

This ordinance specifically repeals former ordinances enacted by this Council and enumerated and known as Ordinance No. 9-1-85.

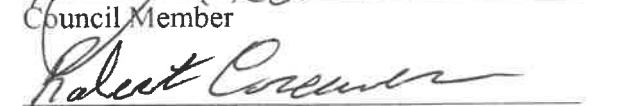
SECTION XVI. EFFECTIVE DATE

This Ordinance shall become effective immediately after its adoption and publication as required by law.

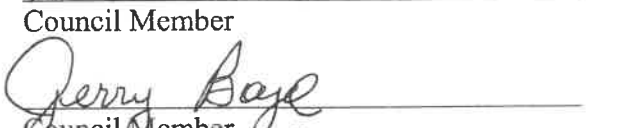
APPROVED AND ADOPTED by the Town Council of the Town of Newton, Alabama,
this the 5th day of February, 2013.



Council Member



Council Member



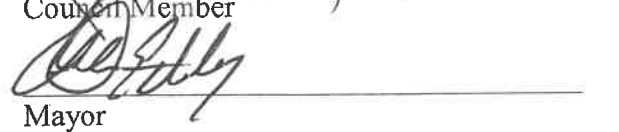
Council Member



Council Member



Council Member



Mayor

ATTEST:



Town Clerk