

ORDINANCE NUMBER 10-21-03

An Ordinance Amending Ordinance NO 6-28-93 Pertaining to Livestock, animals, and Fowl within The Corporate Limits.

BE IT ORDAINED BY THE COUNCIL OF NEWTON, ALABAMA, THAT:

Section Two, Paragraph A, of Ordinance NO 6-28-93 be amended as follows:

Section Two: Keeping of Livestock

A. Keeping of Livestock in Residential Zones

It shall be unlawful for any person to keep any livestock within the boundary of any R-1, R-2, R-3, or Highway Commercial Zone within the corporate limits of the Town of Newton, Alabama, as referred to in section one of this article, except that horses may be kept within the boundary of any R-1, R-2, R-3, or Highway Commercial Zone within the corporate limits of the Town of Newton, Alabama with a permit issued by the Town Clerk of the Town of Newton. The criteria for obtaining said permit to keep horses shall be the following:

1. Not less than (1 ½) acres open space per horse.
2. Number of horses will be determined by property size but will no be more than 5 horses per property.
3. The stable, pen, corral or any other housing for any or all horses must not be less than one hundred-fifty feet (150 feet), from any adjacent property line, and;
4. Unrestricted access must be provided to any officer or employee of the Town of Newton to inspect for compliance with these terms, and;
5. Access must be provided for the Town of Newton to spray for mosquitoes in the area where houses are kept, and;
6. Person obtaining permit must indemnify the Town of Newton for any damages or injury occurring under numbers 4 and 5 above, and;
7. Person seeking the permit must reimburse the Town of Newton for the cost associated with issuing the permit, and;
8. No horses are to be kept in front or backyards as defined in the Zoning Ordinance NO 6-28-93.

ORDINANCE NO. 6-28-93

AN ORDINANCE PERTAINING TO THE OWNERSHIP, KEEPING AND MAINTENANCE OF LIVESTOCK, ANIMALS AND FOWL WITHIN THE CORPORATE LIMITS OF THE TOWN OF NEWTON, ALABAMA: PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, ALABAMA, AS FOLLOWS

SECTION ONE: DEFINITIONS

The term "livestock" where it occurs in this article shall be held to be limited to and refer to horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, kids, shoats, and pigs.

The term "fowl" where it occurs in this article shall be held to be limited to and refer to chickens, ducks, geese, guineas, turkeys, or other domestic fowl.

The term "animals" where it occurs in this article shall be limited to and refer to any animals or reptiles that are captured in the wild and kept as a pet.

The term "zone" where it occurs in this article shall be limited to and refer to the zoning map of the Town of Newton, Alabama.

SECTION TWO: KEEPING OF LIVESTOCK

A. KEEPING OF LIVESTOCK IN RESIDENTIAL ZONES.

It shall be unlawful for any person to keep any livestock within the boundary of any R-1, R-2, R-3 or Highway Commercial zone within the corporate limits of the Town of Newton, Alabama, as referred to in Section One of this article.

B. KEEPING OF LIVESTOCK IN AGRICULTURE ZONES.

It shall be unlawful for any person to keep livestock penned in a pen less than 50 feet by 50 feet by 50 feet in dimension in any agriculture zone. Said pen shall not be less than 250 feet from the residence of another person.

C. SANITARY CONDITIONS OF PENS AS DESCRIBED IN SECTION B.

If the premises where livestock are penned as designated in Section B. shall not be free from objectionable or unsanitary droppings, refuse and odors, or shall be in condition to breed flies, the Police Chief shall serve written notice to

the owner or keeper of such livestock to remove such objectable matter or condition within ten (10) calender days and if such objectable matter or condition is not removed within ten (10) calender days the Police Chief will serve a warrant upon the owner or keeper of such livestock for a violation of this ordinance. The owner or keeper of such livestock will be subject to the penalties as described in Section Eight of this ordinance.

SECTION THREE: KEEPING OF FOWL

It shall be unlawful for any person to keep any flock of chickens, ducks, geese, guineas, or other domestic fowl within the boundary of any R-1, R-2, R-3 or Highway Commercial zone in the corporate limits of the Town of Newton, Alabama without having a permit therefore issued by the town or to keep any such flock in the R-1, R-2, R-3 or Highway Commercial zone after or while permit is suspended.

SECTION FOUR: SAME SUSPENSION OF PERMIT TO KEEP

If the premises where fowl are permitted to be kept shall not be free from objectional or unsanitary droppings, refuse or odors, or shall be in condition to breed flies, the Mayor shall notify the holder of the permit to keep such fowl to remove such objectional matter or condition within ten (10) days, and if such objectional matter or condition is not removed within ten (10) days, the Mayor shall suspend the permit until such objectional matter or condition is removed.

SECTION FIVE: FOWL NOT TO RUN LOOSE OR MAKE OBJECTIONAL NOISE.

It shall be unlawful for any person owning or having in his or her control to permit fowl to run loose or make objectional noises.

SECTION SIX: KEEPING OF VICIOUS OR DANGEROUS ANIMALS AND REPTILES.

It shall be unlawful for any person to keep or turn loose any vicious or dangerous animal or reptile within the corporate limits of the Town of Newton, Alabama.

SECTION SEVEN: LIVESTOCK NOT TO RUN AT LARGE

It shall be unlawful for the owner of any livestock to knowingly, voluntarily, negligently, or willfully permit any such livestock to run at large within the corporate limits of the Town of Newton, Alabama and shall be liable for all damages done to any person or property of other persons. Such damages to be recovered before any court of competent jurisdiction.

SECTION EIGHT: PENALTIES

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of an offense against the Town of Newton, Alabama, and upon conviction there of shall be fixed an amount not less than \$100.00 and not exceeding more than \$500.00 or be imprisoned in the county jail for a period not exceeding 160 days, or both fined and imprisoned at the discretion of the court before whom the offender is convicted. Each day such violation is committed or permitted to continue shall constitute a separate offense.

SECTION NINE: SEPARABILITY

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

SECTION TEN: EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption and publication as required by law.

SECTION ELEVEN: REVOKED OTHER ORDINANCE

All other ordinances on livestock, fowl and animals are hereby revoked upon passage of this ordinance.

ADOPTED THE 28th DAY OF June 1993.

APPROVED:

Tracy B. Hardin
Mayor

Allen Cole
Councilperson

John E. Hutto
Councilperson

Lorrian D. Bilt
Councilperson

Mary L. Palmer
Councilperson

Anita Hanks
Councilperson

ATTEST:

Lebron J. Smith
Town Clerk

STATE OF ALABAMA

DALE COUNTY

I, the undersigned duly authorized Clerk of the Town of Newton, Alabama, hereby certify that the foregoing Ordinance 6-28-93 was posted in three public places to-wit:

Town Hall

Go Co (Graceville Oil)

Junior Food

Ard's Supply

within the corporate limits of the Town of Newton for five consecutive days beginning with the 29th day of June, 1993.

Dated this the 29th day of June, 1993.

Lebron J. Smith
Town Clerk