

ORDINANCE #89-11

**AN ORDINANCE OF THE CITY OF NEWCASTLE, TEXAS
REGARDING ANIMAL CONTROL FOR THE CITY.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWCASTLE, TEXAS:

Section 1-1. DEFINITIONS:

Domestic animal shall mean any male or female domesticated animal.

Wild animal shall mean any male or female wild animal, which is not domesticated.

Fowl shall mean any/and all types and species of chickens, turkeys, ducks, geese guineas, swans and peacocks and all other types of fowl commonly classified in such category, whether male or female.

Livestock shall mean any/and all horses, mules, donkeys, goats, sheep, and cattle and all other types of livestock which are commonly classified in said category, whether they be male or female.

Small Livestock shall mean any/and all rabbits, guinea pigs, white rats, white mice and hamsters and all other types of small livestock which are commonly classified in said category, whether they be male or female.

City shall mean the City of Newcastle, Texas.

Owner shall mean any person who owns a domesticated animal, or who harbors, keeps or provides care and sustenance of an animal, or who knowingly permits the harboring, keeping or caring of any animal on his or her premises for a period of 14 days or more.

At large shall mean the running at large of any animal that is not confined or restricted by means of an enclosure or leash.

Section 1-2. RULES AND REGULATIONS FOR FOWL:

- a. It shall be the duty of any person raising, owning or keeping any Fowl to keep them in a pen, coop or enclosure, which shall be at least twenty-five (25) feet from any building or structure used for sleeping, dining or living.

- b. It shall be unlawful for any person raising, owning or keeping any Fowl to keep them in an enclosure which does not have a top, to prevent said Fowl from flying out.
- c. It shall be the duty of any person raising, owning or keeping any Fowl to keep said enclosure in sanitary condition and in such manner as will not be reasonably calculated to become offensive to persons occupying adjacent properties or to the public. All pens where fowl are kept, fed and watered shall be cleaned once a week of all droppings and such droppings shall be removed to a disposal grounds, or if used for fertilizer, immediately covered with soil and lyme to prevent fly breeding.
- d. Water containers used for any Fowl shall be kept clean and sanitary and free of mosquito larva.

Section 1-3. RULES AND REGULATINS FOR SMALL LIVESTOCK:

- a. It shall be unlawful for any person owning or having control over or custody of any small livestock animal to allow such animal to be kept in any pen, coop or enclosure which is less than fifty (50) feet from any building or structure used for sleeping, dining or living.
- b. It shall be the duty of any person raising, owning or keeping any small livestock to keep such animals in proper enclosures, which prevent said animals from being able to freely leave and reenter said enclosure to roam.
- c. Containers utilized for the purpose of feeding and watering small livestock shall be kept clean and sanitary and free of mosquito larva.

Section 1-4. RULES AND REGULATIONS FOR LIVESTOCK:

- a. It shall be unlawful for any person owning or having control of any horse, mule, jack, jenny, cow, sheep, goat or similar animal to allow or permit the same to run at large within the limits of the City of Newcastle, Texas.
- b. It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within reach of any public street, alley, sidewalk or park within the City.
- c. Any animal mentioned in Section 1-4 of this document shall be kept in a stable, pen, shed or other enclosure which shall be located at least fifty (50 feet) in distance from any building, dwelling or structure used for sleeping, dining or living quarters by people.

1. The stable, shed or pens shall not be less than 800 square feet in size, if one (1) full grown animal is kept therein. For each additional animal, the required size shall be increased by 300 square feet.
2. Slaughterhouses, auction barns, abattoirs and stockyards where animals are kept temporarily, for sale or slaughter shall be exempt from provisions of this section.
3. All stables, pens, sheds and other enclosures where any livestock are fed, watered or kept shall be maintained in a clean and sanitary manner, which shall promote the health and well being of the livestock. Watering troughs in such enclosures shall be cleaned and washed at least once weekly to prevent the breeding of mosquitos.
- 4.

Section 1-4. ANIMALS TO BE LICENSED AND VACCINATED;

It shall be unlawful for any person to keep, harbor or to maintain any animal which is more than 12 weeks of age within the corporate limits of the City unless said animal has been properly vaccinated against rabies and is licensed with the City of Newcastle. City license tags and rabies vaccination tags shall be worn by the animal on a collar, which is to be secured onto the animal.

The provisions of this section shall NOT apply to any animal which is less than 12 weeks old.

Section 1-5. LICENSE FEE, WHEN DUE; ISSUANCE, RECORDS:

- (a) There is hereby levied upon each and every animal which is more than 3 months of age, which is kept, harbored or maintained within the City limits, an annual license fee of five dollars (\$5.00). Such license fee is due by the 15th day of the month immediately following the animal reaching 3 months of age. This fee shall be due annually, by the date on which it was originally issued from prior year.
- (b) All pet license shall be issued by the Newcastle City Hall upon payment of the license fee and the presentation of current vaccination record for the animal by a doctor of veterinary medicine licensed to practice in the State of Texas. The City of Newcastle shall provide the application forms for such purpose and shall keep the adequate

records of all license issued. Said forms MUST have the name, address and phone number of the animal owner, a description of the animal and the animal's name.

Section 1-6. REGISTRY OF IMPOUNDED ANIMAL:

- (a) Whenever any animal is impounded by the Newcastle Animal Control Officer, a registry shall be made showing the breed, sex, description and approximate weight of said animal. A copy of this registry shall be kept with the Animal Control Officer and a copy shall be furnished to the City Secretary.

Section 1-7. TIME LIMIT FOR IMPOUNDMENT:

- (a) There is no time limit for impoundment with the Newcastle Animal Control Officer. However, said Officer may either destroy or transfer possession of any impounded animal to the Humane Society of Young County at any time. If any animal is transferred to the Humane Society of Young County, they shall have the following time limits:
 - 1. Any impounded animal WITHOUT a license is 3 business days or 72 hours;
 - 2. Any impounded animal WITH a license is 5 business days
- (b) After above mentioned time limits are reached, any animal left unclaimed will become the property of the Humane Society of Young County

Section 1-8. REDEMPTION OF IMPOUNDED ANIMALS:

- (a) By owner of licensed animal- The owner of a licensed animal which has been impounded may reclaim said animal by paying a sixty dollar (\$60.00) impoundment fee directly to the Newcastle City Hall and a ten dollar (\$10.00) per day boarding fee to the Humane Society of Young County, which shall include the day going in as well as the day going out.
- (b) By owner of unlicensed animal- The owner of any unlicensed animal which has been impounded may reclaim the animal by having the animal licensed and vaccinated and by paying a sixty dollar (\$60.00) impoundment fee directly to the Newcastle City Hall and a ten dollar (\$10.00) per day boarding fee to the Humane Society of Young County, which shall include the day going in as well as the day going out.
- (c) After time redemption has expired- After the time for redemption of any impounded animal has expired as stated in Section 1-7 of this article, any person may apply for adoption of animal by meeting the requirements of the Humane Society of Young County.

Section 1-9. DISPOSAL OF ANIMALS:

The Newcastle Animal Control Officer may either transfer possession to the Humane Society of Young County or destroy any animal without further notice. This is solely at the discretion of the Animal Control Officer, in accordance with State and local laws. Accurate records showing the disposition of each animal shall be kept by the Newcastle Animal Control Officer, as well as a copy retained on file at Newcastle City Hall.

Section 1-10. PENALTIES AND REMEDIES FOR CERTAIN VIOLATIONS:

- (a) If any animal shall bite or attack any person or other animal and is off the premises of its owner at the time of the incident, the owner of said animal shall, upon conviction, be fined the sum two hundred fifty dollars (\$250.00) by the City of Newcastle for a first offense.
- (b) If any animal shall bite or attack any person or other animal and is off the premises of its owner at the time of the incident, the owner of said animal shall, upon conviction, be fined in the sum of five hundred dollars (\$500.00) by the City of Newcastle for a second offense. In addition to above mentioned penalty for second offense, the animal shall be seized and destroyed.
- (c) If any animal is found to be a nuisance, due to excessive howling, barking, etc., by the Newcastle Animal Control Officer, said animal may be requested to be muzzled.

Section 1-11. "DANGEROUS ANIMAL" MEANS THAT:

- (a) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (b) Any animal wild or domestic, which attacks or bites any human being or other domestic animal without provocation, or which demonstrates menacing and dangerous behavior toward human life and property or other domestic animals; or
- (c) Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.
- (d) NO animal shall be deemed "dangerous" if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

Section 1-12. DANGEROUS ANIMAL AT LARGE SHALL MEAN ANY ANIMAL WHICH IS BOTH:

- (a) Off the premise of the owners; and
- (b) Not under the direct control and physical custody, restraint and control by means of a leash.

Section 1-13. "SECURE ENCLOSURE" MEANS A FENCED AREA OR STABLE STRUCTURE THAT IS:

- (c) Locked;
- (d) Capable of preventing the entry of the general public, including children;
- (e) Capable of preventing the escape or release of the animal;
- (f) Clearly marked as containing a Dangerous Animal; and
- (g) In conformance with the requirements for enclosures established by the Newcastle Animal Control Officer.

Section 1-14. REQUIREMENTS FOR OWNER OF A DANGEROUS ANIMAL:

- (a) Any person who learns or is informed that he or she is in possession of a dangerous animal must:
 - 1. Register the dangerous animal with the Newcastle Animal Control Officer;
 - 2. Restrain the dangerous animal at all by:
 - a.a.i.1.a. Preventing any dangerous animal from going unconfined on the premise. Such animal must be securely confined either indoors or inside of owners' vehicle or confined in a "Secure Enclosure" which must have either sides that are six (6) feet tall or a secure top. If the enclosure has no bottom secured to the sides, the sides MUST be imbedded into the ground no less than twenty-four (24) inches.
 - a.a.i.1.b. Securely muzzling and restraining the animal if it must leave confinement or secure enclosure to be transported or walked off of the premise of the owner. Animal must be restrained with a leash which has a minimum tensile strength of three hundred (300) pounds and may not exceed six (6) feet in length.

3. Obtain liability insurance coverage or show responsibility in the amount of at least one hundred thousand dollars (\$100,000.00) to cover any possible damages resulting from an attack by said dangerous animal causing bodily injury to a person or other animal and must provide proof of the required liability insurance coverage or financial responsibility to the Newcastle Animal Control Officer, as well as Newcastle City Hall; and
 4. Must comply with all Municipal, County and State regulations, requirements and or restrictions regarding dangerous animals.
- (b) The owner of a dangerous animal who does not comply with Section 1-14 Subsection (a), shall deliver the animal to the Newcastle Animal Control Officer no later than the 30th day after the owner learns that they are in possession of a dangerous animal.
 - (c) If, on application of any person, a justice court, or county court finds, after proper notice and hearing, that the owner of a dangerous animal has failed to comply with subsections (a) or (b), the court shall order the Animal Control Officer to seize the animal and shall issue a warrant authorizing said seizure.
 - (d) The owner shall pay any and all costs and fees assessed by the City of Newcastle and the Humane Society of Young County related to the seizure, impoundment and/ or destruction of animal.
 - (e) The court shall order the Humane Society of Young County to destroy the animal if the owner has not complied with Section 1-14 of this article before the 11th day after the date on which the animal is seized or delivered to the Humane Society.
 - (f) The court may order the humane destruction of the animal if the owner is not located by the 15th day after the seizure and impoundment of a dangerous animal.
 - (g) For purposes of this section, a person learns that they are the owner of a dangerous animal when:
 1. The owner knows of an attack on any person or other animal, whether witnessed or informed of by another person, as described in this article;
 2. The owner receives written notice from the Newcastle Animal Control Officer, the City of Newcastle, Municipal Court or County Court notifying the owner that they are in possession of a dangerous animal.

Section 1-15. RESTRICTIONS AND REGULATIONS FOR OWNER OF DANGEROUS ANIMAL

- (a) No person shall own or harbor any dog for the purpose of dogfighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon any human being or other domestic animal.
- (b) No person shall possess, with the intent to sell, offer for sale, breed or buy or attempt to buy within the City of Newcastle, Texas, ANY Dangerous Animal.

Passed and approved this the 14th day of March, 2016.

Gina Maxwell, Mayor

ATTEST:

City Secretary