

An Ordinance to repeal, amend and re-ordain Section 34-31 of the Code of the Town of Altavista, 1968, relating to definitions.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 34-31 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 34-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every dog or other animal or fowl owned within the boundaries of the town.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Public nuisance means: (1) Every activity or condition that endangers life or health, obstructs the reasonable and comfortable use of property, or gives offense to the senses so as to cause a positive and material disturbance or annoyance in the use or occupation of property. See Sec. 34-31.1 for specific conditions and activities.

(2) ~~Any animal that:~~

- ~~a. Molests passersby or passing vehicles or interferes with traffic;~~
- ~~b. Attacks other animals;~~
- ~~c. Trespasses on school grounds and interferes with school activities;~~
- ~~d. Habitually turns over garbage cans of any person other than the owner or custodian thereof;~~
- ~~e. Damages private or public property; or~~
- ~~f. By loud, frequent or habitual crying, barking, howling or other noise causes disturbance of the peace and quiet of any person or neighborhood.~~

(3) ~~Any aggregation of animals creating a foul odor.~~

Responsible party or parties includes, but is not limited to, the owner and/or occupier, and/or possessor of the premises where a public nuisance is located, the owner and/or possessor of any personal property, including animals, which constitutes a public nuisance, the owner or possessor of any material which constitutes a public nuisance which escaped, spilled, or was released and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

~~Own and Owner~~ *Responsible party or parties of an animal* means any person having a right of property in an animal and any person who keeps or harbors an animal or has it in his or her care, or who acts as its custodian, and any person who permits an animal to remain on or about any premises occupied by him or her.

Stagnant water shall mean any water that is absent of flow or filtration by natural or mechanical means with the exception of bird baths, fish ponds, flower pots and other containers that are regularly tended by their responsible party or parties.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.