

CITY OF JOSHUA
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JOSHUA TEXAS CODE OF ORDINANCES AMENDING CHAPTER 2. ANIMAL CONTROL, ARTICLE 2.01. GENERAL PROVISIONS; ARTICLE 2.02 IMPOUNDMENT; ARTICLE 2.03 RABIES AND ZOONOSIS CONTROL; ARTICLE 2.05 OTHER ANIMALS; ARTICLE A3.000 ANIMAL CONTROL FEES; INCORPORATING RECITALS; SAVINGS CLAUSES AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Joshua Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the City of Joshua, Texas ("City") to establish comprehensive rules and regulations for animal control in the City; and

WHEREAS, the proper care, regulation and control of animals, fowl and livestock is necessary for the health, safety and quality of life of the citizens of the City; and

WHEREAS, the establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock are necessary to protect such animals and the general public; and

WHEREAS, it is necessary for the City to adopt requirements and regulations which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

WHEREAS, the rules, regulations and requirements established by ordinance may not be inconsistent with State law; and

WHEREAS, the City Council has determined that it is in the best interest of the City to regulate animals within the City in accordance with State law.

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

SECTION 1. AMENDMENT. That the Code of Ordinances of the City of Joshua, Texas is hereby amended Chapter 2, "Animal Control," which shall hereinafter read as follows:

ARTICLE 2.01.001 DEFINITIONS

For the purposes of this chapter, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular; reference to the male gender includes the female, and references to any person or animal without specifying gender include both male and female; the word "shall" is mandatory and directory wherever it is used in the chapter. Other words defined are:

Abandon. Leaving in an enclosure or at-large without providing food, water, or shelter from the sun, rain, hail, or snow.

Abused. Wounded, maimed, trapped, beaten, crippled, starved, or tortured by any means or lack of necessary immediate medical care or failure to give food, water, shelter, and shade, be it manmade or natural.

Animal. Any living creature, except human beings, classified as a member of the Kingdom Animalia and including, but not limited to, mammals, birds, reptiles and fish.

Animal control officer. An employee of the city appointed by the city manager to supervise the operation and maintenance of the city's animal services facility, to act as the animal control authority under state law, and to help carry out and enforce the provisions of this chapter.

Animal dealer. Any person, partnership or corporation engaging in the business of buying, selling or trading animals to others in any public area, including, but not limited to, sale of any animal at a roadside stand, booth, flea market, or other temporary site. This definition does not include private party animal sales or government operated animal shelters.

Animal establishment. Any facility or business that has custody or control of animals within the city including, but not limited to, pet shops, volunteer or public kennels or rescue shelters, pet grooming facilities, animal auction facilities or commercial kennels. This term does not include veterinary or medical facilities, research or other facilities licensed by government agencies.

Animal exhibition. Any exhibition or act featuring performing animals, including circuses, temporary animal exhibits, petting zoos and private zoos. Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the animal services division.

Animal services division. The department of the city tasked with the responsibilities set forth herein and any other animal related matters as may be deemed necessary by the city manager.

Animal services facility. An establishment operated by the city for the temporary confinement, safekeeping, and control of animals which come into the custody of the city.

Apiary. A place where honeybee colonies are kept.

Assistance animal. Any animal professionally trained to assist a person with a disability.

At-large.

(1) An animal (excluding sterilized and registered cats) that meets one (1) of the following criteria:

(A) On-premises of owner. Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner. Any animal being contained by a fence that, because of the fence's lack of height or general disrepair, cannot properly restrict the animal, shall be considered at-large.

(B) Off-premises of owner. Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making unsolicited contact with any person, their clothing, their property, or their premises.

(2) The term shall not include animals being trained or exhibited while under the immediate physical control of a person.

Attack. Biting or scratching of a person or an animal by an animal.

Auction. Any place or facility where animals are regularly bought, sold or traded. This definition does not apply to individual sales of animals by private owners.

Beekeeper. A person who owns, leases, or manages one (1) or more colonies of honeybees, whether for private or commercial purposes.

Breeder. A person who breeds dogs or cats and transfers possession of more than one litter per

breeding female dog or cat.

Cat. Any live or dead cat (*Felis catus*).

Circus. A commercial variety show featuring animal acts for public entertainment.

City. The City of Joshua, Texas.

City manager. The city manager of the city.

Colony. A hive and its equipment and appurtenances include honeybees, comb, honey, pollen and brood.

Commercial establishment. Establishments that engage in activities that include animal dealer, animal establishment, and animal exhibition, as those terms are defined herein.

Continuing public nuisance. A public nuisance that, after required notice is given to the owner of an animal(s) or person in control of an animal(s), continues unabated, as determined by the animal control officer.

Cruelly treated. Includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care or shelter, cruelly confined, or caused to fight with another animal.

Dangerous animal. Regardless of the individual's animal age or health:

- (1) Any individual animal which, because of its physical nature and/or vicious propensity, would constitute a danger to human life or property; or any animal that is possessed of tendencies to attack or to injure human beings or other animals;
- (2) An animal that commits an unprovoked attack on a human being that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own;
- (3) An animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person reasonably to believe that the animal will attack and cause bodily injury to that person;
- (4) An animal that makes an unprovoked attack on a domestic animal or domestic fowl that causes bodily injury or death and which occurs when such animal is at-large; or
- (5) A dangerous wild animal, as defined herein.

Dangerous wild animal. Any animal of a species defined as a "dangerous wild animal" in subchapter E (dangerous wild animals), chapter 822 (regulation of animals), of the Texas Health and Safety Code.

Deep box. A structure for housing bees that has a depth not larger than 9-5/8" deep.

Department. The city health department.

Dog. Any live or dead dog (*Canis familiaris*).

Doghouse. A structure made of wood, plastic, or metal materials, but not limited to any of the above, that is for the sole use of a dog. The dog house shall be made of a material to protect the animal from: rain, snow, or other unfavorable weather conditions.

Endangered species. Any species of animal that is considered endangered by international, federal, or state regulations.

Enforcement agent. The public health administrator, local rabies control authority, local health authority, animal services officers, peace officers, firefighters and other authorized employees of the city.

Estray. Any unbranded sheep, cattle, horses, or mules found running at-large, or any branded sheep, cattle, horses, or mules found running at-large, or any swine found running at-large; but it does not mean nor include any unweaned animal specified in this section that is running with its mother.

Foster home. A temporary care facility for an animal.

Guard dog. A dog that has been trained professionally to display aggressive training for the specific purpose of protecting persons or property.

Harbor. To provide home, sustenance, shelter, refuge, care or habitat for or to exercise custody or control over a domestic animal.

Harborer. Any person, family, group of persons, firm, corporation, association, or partnership who harbors a domestic animal.

Hive. A structure intended for the housing of a honeybee colony.

Honeybee. Any stage of the common honeybee, *Apis mellifera* species.

Identification. Any acceptable method such as microchipping, or tattoo readily traceable to the current owner.

Impound. The placing of an animal in the city's animal services facility, or, the taking into custody of an animal for the purposes of transportation to the city's animal services facility.

Inhumane treatment of animals. Any treatment of an animal prohibited by any provision of law, including federal, state and local laws, ordinances or rules.

Kennels, commercial. For purposes of this chapter only, any establishment where a person, partnership or corporation keeps dogs or cats primarily for the purpose of breeding, buying, selling, trading, showing, training or boarding such animals.

Licensed veterinarian. A veterinarian licensed by the Texas Board of Veterinary Examiners.

Livestock. Means or includes, regardless of age, sex or breed, horses, consisting of all equine species including mules, fowls, donkeys, and jackasses; cows, consisting of all bovine species; sheep, consisting of all ovine species; llamas or alpacas; goats, consisting of all caprine species; and pigs, consisting of all swine species.

Local rabies control authority. The animal control officer or other designee of the public health administrator.

Medium box. A structure for housing bees that has a depth not larger than 6-5/8" deep.

Microchip. A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

Microchip reader. An electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and display the number of the microchip to its operator. The microchip reader shall be of a type that activates and displays the number of a microchip manufactured by multiple vendors.

Municipal court. The City of Joshua Municipal Court of Record.

Neglected. Without sufficient food, shelter, shade, water, or without appropriate veterinary care and treatment to maintain health or heavily infested with parasites.

Neutered. Any animal, male or female, rendered incapable of breeding or being bred.

Owner. Any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be rebuttably presumed to be the owner of such animal, unless the animal has been reported to the animal control shelter as a stray animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this chapter. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this chapter, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this chapter. Such household head may himself be under the age of seventeen (17) years and therefore subject to prosecution under this chapter. There may be more than one person responsible for an animal.

Pet animal. Any animal that may be kept as a pet within the city so long as all of the required provisions of this chapter are met, and is not a dangerous wild animal or a wild animal, including but not limited to the following animals:

- (1) Birds. Any birds commonly kept as pets that are not protected from ownership by any state or federal law, or any bird kept for falconry purposes by a state and federally permitted falconer;
- (2) Fish. Any fish commonly kept as pets that are not protected from ownership by any state or federal law;
- (3) Mammals. Includes any mammal commonly kept as pets including dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, and sugar gliders but not limited to these; or
- (4) Reptiles. Any non-venomous reptile that is not protected from ownership by any state or federal law.

Permit. A certificate issued, pursuant to this chapter, by the city.

Prohibited animal. An animal that poses a potential physical or zoonotic disease threat; that is a member of an endangered species; or that is protected by International, Federal, or State Regulations other than a common domestic species regardless of state of duration of captivity including, but not limited to, the following categories:

- (1) Class Reptilia.

(A) Category I. Order Squamata, family Helodermatidae (the venomous lizards such as Gila monsters and beaded lizards), family Hydrophiidae (marine snake), family Vioeridae (such as rattlesnakes, copperheads, cottonmouth, moccasin, and true vipers), family Elapidae (such as coral snakes, cobras, and mambas), family Colubridae (including rear-fanged colubrids such as Dispholidus typus (boomslang), Hydrodynastes gigas (water cobra), Boiga dendrophilia (mangrove snake), and other venomous Boiga species, and Thelotornis kirtlandi (twig snake), family Boidae (such as pythons and boas longer than six (6) feet, anacondas); order Crocodilia (such as crocodiles, caimans, and gavials).

- (2) Class Aves.

(A) Category II. Order Sfrigiformes (such as owls), order Falconiformes (such as falcons,

hawks, eagles, and vultures).

(3) Class Mammalia.

(A) Category III. Order Carnivoria, family Felidae (such as lions, ocelots, margays, tigers, jaguars, leopards, and cougars) except domestic cats, the family Canidae (such as wolves, dingos, coyotes, and jackals), except domestic dogs, family Ursidae (such as bears), suborder Pinnipedia (such as seals and sealions) order Primata (such as apes, orangutans, chimpanzee, and gorillas) order Proboscida (elephants) order Chiroptera (bats) order Ungulata (such as antelopes, deer, bison, and camels) and order Marsupialia (such as kangaroos), and any hybrid thereof.

(B) Category IV. Order Carnivora, family Mustelidae (such as weasels, skunks, martins, mink, and badgers), except ferrets, family Procyonidae (raccoon) family Vivveridae (such as civets and mongooses); order Edentata (such as sloths, anteaters, and armadillos), and order Rodentia (such as porcupines).

(4) Fish.

(A) Category V. Order Anguilliformes, family Muraenidae and family Congridae (eels) order Cypriniformes; and family Characidae (piranha fish).

(5) Exceptions to list of class; family and order of prohibited animal. Prohibited animal does not include livestock, fowl, ratites, poultry, or common household pets, such as a psittacine bird, canary, finch, cockatiel, or other commonly kept domestic birds, small monkey, hamster, guinea pig, gerbil, rabbit, fish, or small non-venomous reptile which is less than six (6) feet long and are not listed in any category above.

Public health administrator. The administrative official appointed by the city manager.

Public nuisance. The conduct of any owner in allowing an animal to:

- (1) Engage in conduct which establishes such animal as a dangerous animal, as defined herein;
- (2) Damage, soil, defile or defecate on private property other than the owner's or on public property, unless such waste is immediately removed and properly disposed of by the owner of the animal;
- (3) Be at-large, as defined herein (excluding sterilized and registered cats that are identified by some means of traceable identification);
- (4) Cause a disturbance by excessive barking, howling, or noise making near the private residence of another;
- (5) Produce odors or unclean conditions sufficient to offend a person of normal sensibilities standing or which creates a condition conducive to the breeding of flies or other pests;
- (6) Chase vehicles, or molest, attack or interfere with other animals or persons, or is at-large on public or private property; or
- (7) Create a condition that is dangerous to human life or health; renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses; or that is detrimental to the public health.

Quarantine. To take into custody, place in confinement, and isolate from human beings and other animals. The quarantine period for a dog, cat, domestic ferret, or other mammal for rabies observation is ten (10) days or 240 hours from the date and time of the bite, scratch or other exposure, or as recommended by the regional veterinarian from the Texas Department of State Health Services.

Registration. A rabies certificate issued by a licensed veterinarian and an identification tag recognized by animal services from an approved issuing agent.

Restraint. To control an animal by physical means so that it remains on the premises of the owner, or, when off the owner's premises, by means of a cage, or leash or rope under the direct control of a person of sufficient strength to control the animal.

Running at-large. To be free of physical restraint outside of an enclosed or fenced area. Voice control alone does not constitute physical restraint.

Serious bodily injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Shade. Any natural or manmade structure that will provide shade from the sun not to include a dog house, shed, lean-to, or space under a house or mobile home.

Shallow box. A structure for housing bees that has depth not larger than 5-7/8" deep.

Shelter. Any structure that will shield an animal from rain, snow, hail, freezing temperature, excessive heat, and other unfavorable weather conditions, including direct exposure to wind from the north. A shelter will consist of the following:

- (1) Appropriate size for the animal to stand, turn, and lay comfortably;
- (2) To have a top, four (4) sides, and a floor; and
- (3) Have an opening of appropriate size for the animal to fit through.

Sterilized. An animal rendered incapable of reproduction by means approved by the American Veterinary Medical Association.

Tether. To chain, tie, fasten or otherwise secure an animal to a fixed point or trolley system so that it can move or range only within certain limits.

Traceable identification. A type of identification, such as a tag, microchip, or tattoo that can be readily used by animal services to identify the current ownership of an animal.

Unprovoked attack. An incident in which a dog which attacked a human being or an animal was not hit, kicked, or struck by a human being with any object or part of a human being's body, nor was any part of the dog's body pulled, pinched, or squeezed by a human being, nor was the dog taunted or teased by any human being, nor was the human being in the dog's territory on the property of the dog's owner at the time of the attack.

Vaccination. The inoculation of an animal with a rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered according to the label's directions by a veterinarian for the purpose of immunizing the animal against rabies.

Veterinary clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Wildlife educational center. An organization that has met all of the state and federal requirements to possess wildlife for educational purposes.

Zoological park. Any facility, other than a pet shop, kennel, or wildlife education center, displaying or exhibiting one or more species of non-domesticated animals, and operated by a person, partnership, corporation, or governmental agency.

Zoonotic disease. A disease which is of animal origin and usually causes illness to other members of animal populations and which can adversely affect man.

ARTICLE 2.02.001 IMPOUNDMENT AND REDEMPTION

(a) Impoundment.

(1) It is the duty of the enforcement agent to capture and impound such animals that are running at-large or which are required to be impounded pursuant to other laws or ordinances or to protect public safety. Any officer or citizen of the city is authorized to take up and deliver in a humane manner to the animal services facility any animal that may be found running at-large in the city.

(2) The animal control officer shall impound and quarantine all dogs, cats and other animals exposed to, suspected to be exposed to, or infected with rabies, whether the dog, cat or other animal to be impounded is at-large, on a leash, or confined to its owner's premises or whether it is currently vaccinated. Any animal which a licensed veterinarian suspects of having rabies shall be humanely euthanized. Any animal exposed to a rabid animal shall be humanely euthanized or quarantined at the owner's expense for a period mandated by the Texas Department of State Health Services Zoonosis Control Division, not less than ten (10) days from the date of last known exposure.

(3) The animal control officer shall impound an animal at the request of a peace officer when the owner of the animal has been arrested, hospitalized, is missing, or has died, and there is no person present, eighteen (18) years of age or older, who will assume the legal responsibility of providing food, water and shelter for such animal.

(b) Identification of impounded animals.

(1) The animal control officer, or his/her deputies, upon receiving an animal for impoundment, shall make a complete registry, including the species, breed, color, and sex of such animal, whether it has traceable identification and the time and place of taking custody. If the animal has traceable identification, he shall enter the name and address of the veterinary clinic, year, the microchip number, and any other pertinent information. When kennel space allows, animals with traceable identification shall be kept separate from animals that do not have identification. All animals impounded shall be scanned with a microchip reader.

(2) If, by microchip number, the owner of an impounded animal can be identified, the animal control officer shall, as soon as possible, notify the owner by telephone or mail; however, it is the responsibility of the owner to visit the animal services facility before the expiration of the designated holding period to reclaim lost pets.

(3) Impounded animals with no means of traceable identification shall be kept for not less than three (3) days, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this article. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(4) Animals with any type of traceable identification shall be kept for not less than ten (10) days, or not less than three (3) days from the time the owner is notified of their animal being impounded, whichever is the shorter time period unless earlier reclaimed by the owner under acceptable

conditions or earlier euthanized as allowed by this article. If an animal has a tag that does not list the owner's phone number or address, and the person or business that is in possession of the owner's contact information will not release it to the animal services division, then for the purposes of this section it shall be the responsibility of that person or business to notify the owner of the animal being impounded, and the animal shall be held for three (3) days after the animal control officer contacts the person or business in possession of the owner's contact information. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(5) If an owner claims a dog or cat that has been impounded by animal control, that animal shall be spayed or neutered within 30 days of reclamation. Failure to do so will result in a citation. Every day is considered a separate offense.

(c) Retention of impounded animals.

(1) An animal impounded at the request of an enforcement agent as required by this article shall be kept for not less than ten (10) days unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this article. It is the responsibility of the owner to visit the animal services facility before the expiration of the designated holding period to reclaim such pets.

(2) An impoundment period is not required for an animal voluntarily released to the animal control officer by its owner.

(d) Redemption of impounded animals.

(1) Any owner of an animal that has been impounded under this chapter who wishes to have it returned to him shall personally visit the animal services facility where it is impounded. The animal control officer shall return the animal if the owner can provide sufficient proof of being the animal's owner and if such release will not impair the safety of the public or the animal. The owner of the animal must pay any and all fees set forth herein and must agree to abide by all of the requirements of this chapter before the animal is returned. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(2) If an animal that requires a microchip is impounded by the animal control officer for violating this chapter and the owner cannot prove that he is in possession of all required permit(s) or registration(s), the owner must meet all requirements of the required permit(s) or registration(s) and must purchase said permit(s) or registration(s) before the animal may be released from the animal services facility.

(3) If an animal that requires a rabies vaccination is impounded by the animal control officer for violating this chapter and the owner cannot prove that the animal has a current rabies vaccination, a citation for failing to vaccinate will be issued. The owner shall then have five (5) days to provide proof of obtaining a current rabies vaccination to the animal control officer or else he shall be cited again for violation of this article. Each subsequent day that passes after the five (5) day period shall be considered a separate offense. For the purposes of this section, a rabies tag alone is not sufficient proof of an animal's current rabies vaccination.

(4) If an animal is impounded by the animal control officer for violating this chapter and the owner cannot prove that the animal has been previously microchipped, the owner must purchase a

microchip before the animal may be released from the animal services facility. The identification number provided by the microchip shall be maintained on file at the animal services facility or with a nationally recognized registry, for future identification purposes.

ARTICLE 2.03.005 IDENTIFICATION TAG AND MICROCHIP REQUIRED

(a) The owner or keeper of a dog, cat, or equine shall maintain current registration with a microchip registration company. This section does not apply to animals temporarily within the city for a period not to exceed fourteen (14) days.

(b) If there is a change in contact information of an owner or keeper of a registered microchipped equine, dog, or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company within thirty (30) days of the date of the change in contact information.

(c) If there is a change in ownership of a registered equine, dog, or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within thirty (30) days after the change in ownership.

(d) An issuing agent may not issue a microchip that is not currently vaccinated against rabies.

(e) Dogs must wear a tag at all times while outdoors; except that dogs that are kept for show or exhibition purposes are not required to wear such a tag as long as the dogs are otherwise under restraint. The tag shall include either the dog's microchip number or the current address or telephone number of the dog owner.

(f) Cats and equines shall not be required to wear a tag with the registered microchip number on a collar.

(g) Any owner who fails to obtain a current identification/microchip tag shall be deemed guilty of a misdemeanor.

(h) No person may use a registered microchip number for any animal other than the one for which it was issued. (c) An issuing agent may not issue an animal identification/registration tag that is not currently vaccinated against rabies or microchipped. If not microchipped at time of registration the animal will be microchipped by the animal control department at the time of registration.

(d) Each issuing agent shall report the unique identification/registration tag number issued to the animal control officer within thirty (30) days and shall remit all identification/registration tag fees and information collected at least once monthly.

(e) All dogs and cats four (4) months of age or older must wear traceable identification.

(f) Any owner who fails to obtain a current city identification/registration tag shall be deemed guilty of a misdemeanor.

- (g) No person may use a city identification/registration tag or rabies certificate on an animal other than for which it was issued.
- (h) Identification/registration tags must be renewed annually. No refunds shall be made on any city identification/registration tag fee. A duplicate identification/registration tag may be obtained upon payment of fee established by this chapter.
- (i) Rabies vaccination certificates will be valid for one (1) year.

Sec. 2.05.006 KEEPING OF LIVESTOCK

(a) The keeping of livestock shall be permitted in “A” agriculture zoning districts and in areas primarily used for agriculture purposes, with the exception of the following limitations.

(b) Goats. The keeping of goats shall be permitted in “R-1L” single-family residential - large lots zoning districts and in “A” agriculture zoning districts subject to the following requirements:

(1) In the “R-1L” zoning district, lots must be a minimum of one (1) acre, and only two (2) goats are permitted per acre.

(2) In “A” zoning districts, lots must be a minimum of two (2) acres, and only four (4) goats are permitted per acre.

(c) Fowl.

(1) For the purpose of this division (C), fowl shall be limited to female chickens (hens).

(2) This division does not apply if the land upon which the animals are maintained is zoned "A - Agricultural".

(3) A person commits an offense if the person knowingly:

(a) Keeps or maintains a rooster;

(b) Keeps or maintains more than six fowl;

(c) Keeps or maintains fowl in an inadequate fowl shelter, including the fenced run, at a distance closer than 25 feet of an occupied building of a person other than the owner;

(d) Fails to provide an adequate fowl shelter as defined in § 2.05.005;

(e) Keeps or maintains fowl in the front yard area;

(f) Fails to provide fowl with fresh, clean water and food;

(g) Fails to store fowl feed in secure containers protected from rodents, insects, and other animals;

(h) Slaughters fowl within the city limits;

(i) Fails to keep or maintain fowl within a fowl shelter, pen, coop, or hutch as defined in § 2.05.005. A fenced yard shall not qualify as a pen, coop, or hutch;

(j) Sells eggs for profit. Any eggs produced by fowl permitted under this section shall be for personal use only;

(k) Fails to allow an animal control officer to inspect the fowl shelter, pen, coop, or hutch and related premises.

(D) The owner or person in possession of animals shall keep yards, pens, coops, and enclosures in which these animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner to endanger the public health or safety, or create a public nuisance. All persons keeping these animals shall comply with the following sanitary regulations: manure and droppings shall be removed from pens, yards, cages, and other enclosures daily, and handled or disposed of in such manner as to keep the premises free of any nuisance.

(E) The slaughter of livestock shall be prohibited within the city limits unless performed by a licensed professional at a rendering or meat processing facility.

(F) It is an exception to this section that:

(1) The animal or structure was at a veterinary clinic or hospital, pet store, feed store, farm store, school building, or any similar establishment properly zoned for keeping these animals;

(2) The structure, pen, corral, or other enclosure was in existence at the time the premises on which it is located were annexed by the city. However, if the ownership or primary use of the premises changes, this exception shall not apply;

(3) The structure, pen, corral, or other enclosure was in existence prior to the time a habitation was erected on another's property; or

(4) The livestock was purchased and housed prior to January 1, 2005.

(d) Hogs and swine. It shall be unlawful for any person other than a veterinarian to keep any live hogs or swine within the city limits, except in the hereinafter-named location(s), for a period longer than twenty-four (24) hours:

(1) The campus and grounds of Joshua Independent School District.

(e) All hog pens, barns, stables, and other facilities housing livestock shall meet the requirements of the city building code, zoning ordinance, and the general design standards, specifications, and operating procedures for animal establishments.

(f) Unless specifically provided for herein, only one (1) head of livestock is permitted per one (1) acre of land.

(g) It shall be a defense to prosecution regarding the number of livestock being kept, that the same livestock in question was being kept on the same premises, by the owner of the livestock, prior to the adoption of this section. Notwithstanding the foregoing, at such time as the livestock on the property dies or is otherwise disposed of by the owner, it may not be replaced until such time as the livestock meets the requirements set forth herein and then only may be replaced to the extent such number and kind is in conformance with this section.

(h) It shall be a defense to prosecution that the person keeping the livestock is a student, is a member of the local FFA Club, and has been issued a temporary permit by the animal control officer Supervisor, who shall have the discretion to issue said permit upon proper documentation provided by the student and/or teacher.

Sec. 2.01.007 TETHERING OF DOGS AND OTHER ANIMALS

(a) Unlawful tethering of a dog:

(1) An owner may not leave a dog outside and unattended by use of a tether that unreasonably limits the dog's movement:

(A) Between the hours of 10:00 p.m. and 6:00 a.m.;

(B) Within 500 feet of the premises of a school; or

(C) In the case of extreme weather conditions, including conditions in which:

(i) The actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(ii) A heat advisory has been issued by a local or state authority or jurisdiction; or

(iii) A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(2) A tether unreasonably limits a dog's movement if the tether:

(A) Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;

(B) Restraints must allow the dog to stand, turn around, and lie down;

(C) Is a length shorter than the greater of:

(i) Five (5) times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(ii) Ten (10) feet;

(D) Is in an unsafe condition; or

(E) Causes injury to the dog.

(b) An animal is under lawful tethering under the following conditions:

(1) A dog tethered to a running line, pulley, or trolley system and that is not tethered to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

- (2) A dog tethered in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
 - (3) A dog tethered for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
 - (4) A dog tethered while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
 - (5) A dog tethered while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
 - (6) A dog tethered while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
- (c) This section does not prohibit a person from walking a dog with a hand-held leash.
- (d) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object. Dogs must be tethered on a trolley or cable run system to prevent an unhealthy or potentially dangerous situation. The terms “unhealthy situation” and “potentially dangerous situation” shall include, but not be limited to the following:
- (1) To tether or restrain any animal in such a manner as to permit the animal access upon any public right-of-way;
 - (2) To tether or restrain any animal in such a manner as to cause the animal injury or pain or not to permit the animal to reach shelter, food, shade, /or water or otherwise create an unsafe or unhealthy situation, and must not be restrained with chains, this includes pets temporarily unattended in a stationary, open-air truck bed;
 - (3) To tether or restrain any animal in such a manner as to permit the animal to leave the owner’s property;
 - (4) To tether or restrain any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;
 - (5) To tether or restrain any pet animal in a manner whereby the animal is subject to harassment, stings, or bites from outdoor insects, or attacks by other animals;
 - (6) To tether any animal with a tether that is not equipped with swivel ends;
 - (7) To tether or restrain any animal in such a manner that does not prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or from leaving part of its owner’s property;
 - (8) To fail to remove waste from the tethered area on a daily basis;

- (9) To restrain any animal without using a properly fitted collar or harness; or
- (10) To use a restraint that weighs more than one-fifth (1/5) of the animal's body weight.

ARTICLE A3.000 ANIMAL CONTROL FEES

(a) Adoption fee, includes sterilization, rabies vaccination, applicable vaccines, heartworm or Feline Triple Testing, worming, and microchip:

(1) Dog: \$140.00

(2) Cat: \$140.00

(b) Daily care fee:

(1) Animal Single Day: \$20.00.

(2) Each Day Thereafter: \$10.00.

(c) Quarantine Fee:

(1) Cat/Small Dog/Puppy: \$20.00 day.

(2) Dog Over 50 lbs.: \$25.00 day.

(3) Any impoundment fee may be reduced if the owner agrees to have the animal rabies vaccinated, microchipped, and sterilized and the owner pays the fees related to that service.

(d) Microchip Fee:

(1) Dog/Cat Resident: \$15.00.

(2) Dog/Cat Non-Resident: \$20.00

(e) Impoundment Fee:

(1) First Offense:

(A) Sterilized: \$25.00.

(B) Unsterilized: \$75.00.

(2) Second Offense:

(A) Sterilized: \$50.00.

(B) Unsterilized: \$150.00.

(3) Third Offense

(A) Sterilized: \$75.00.

(B) Unsterilized: \$225.00.

(4) Guard Dogs: \$225.00 for each offense.

(5) Any impoundment fee may be reduced if the owner agrees to have the animal rabies vaccinated, microchipped, and sterilized by the Animal Services Division and the owner pays the fees related to that service.

(f) Owner Relinquish Fee:

(1) Single: \$25.00.

(2) Litter: \$45.00.

(g) Multi-Pet Permit:

(1) Application Fee: \$5.00 per pet over the limit

(2) Annually: \$50.00 per household

(h) Breeder Permit:

(1) Application Fee: \$5.00.

(2) Annually: \$100.00.

(i) Rescue Permit:

(1) Application Fee: \$5.00.

(2) Annually: \$50.00.

(j) Kennel Permit:

(1) Application Fee: \$5.00.

(2) Annually: \$100.00.

(k) Bee Keeping Permit:

(1) Application Fee: \$5.00

(2) Annually: \$100.00

(l) Dangerous Animal Registration:

\$250.00 annually (\$50 mandatory fee pursuant to Tex. Health and Safety Code § 822.043 and \$200 administration fee).

(m) Owner Dead Animal Removal:

(1) \$40.00 per animal up to 50 lbs.

(2) \$80 per animal 51 lbs. and over

(n) Deposit for Live Traps:

(1) \$50.00

(o) Removal of Animals from Non-City Traps:

(1) \$40.00 per animal

(p) Failure to Spay or Neuter:

(1) \$281.00

(q) The Animal Services Manager may authorize the waiver or reduction of fees for special events, activities, and certain circumstances in which the intended result is to reduce the number of animals being housed by the Animal Services Division.

SECTION 3. The remainder of Chapter 2 in the City's Code of Ordinances remains unchanged. The Code of the City of Joshua, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. The Amendment to this Ordinance shall take effect immediately upon approval by the City Council of Joshua.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS THE 20TH DAY OF OCTOBER 2022.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney