

CITY OF JOSHUA
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JOSHUA TEXAS CODE OF ORDINANCES AMENDING CHAPTER 2. ANIMAL CONTROL, ARTICLE 2.03 RABIES AND ZONOSIS CONTROL. 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 2.03.002 RABIES VACCINATION

(a) Vaccinations required:

(1) A person who owns, keeps, harbors, or has custody of a dog, cat, or ferret over four (4) months of age must have said animal immunized against rabies by injection of anti-rabies vaccine by a veterinarian validly licensed in the state or in another jurisdiction.

(2) The same animal must receive a booster within the twelve (12) month interval following the animal's initial vaccination, or such interval as provided by state law; and the same animal must be revaccinated against rabies at a minimum of at least once each year with a rabies vaccine licensed by the department of agriculture, or at such interval as provided by state law.

(3) A person commits an offense if the person owns, keeps, harbors, or has custody of a dog, cat, or ferret that has not been immunized against rabies as required by this section.

(4) Every owner of a dog, cat, or ferret immunized against rabies shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. The certificate of vaccination shall contain the following information:

- (a)** The name, address, and telephone number of the owner of the vaccinated animal;
- (b)** The date of vaccination;
- (c)** The year and number of the rabies tag;
- (d)** The breed, age, color, and sex of the vaccinated animal; and
- (e)** The name and address of the issuing veterinarian.

(b) Rabies tags:

(1) Concurrent with the issuance and delivery of the certificate of vaccination referred to in section four **(4)** above, the owner of the animal shall:

- (a)** Outfit the animal with a collar or harness;
- (b)** Affix a metal tag, serially numbered to correspond with the vaccination certificate number, bearing the year of issuance and the name and address of the issuing veterinarian to the collar or harness; and
- (c)** Require the animal to wear the collar or harness with the attached metal tag at all times.

(c) Duplicate tags:

(1) In the event of loss or destruction of the original tag provided in subsection (b) above, the owner of the animal shall obtain a duplicate tag from the veterinarian who administered the vaccination. Vaccination certificates and tags shall be valid only for the animal for which they were originally issued.

(2) The provisions restricting the use and sale of rabies vaccine for animals as set forth in the state statute enacting the “Rabies Control Act of 1981” are hereby adopted by reference, as contained in chapter 826 of the Health and Safety Code, V.T.C.S., a copy of which is on file in the office of the city secretary, and as amended from time to time.

(3) It shall be unlawful for a person to administer, sell, or distribute rabies vaccine for animals in a manner not authorized by section (c), above.

ARTICLE 2.03.003 REPORTS OF ANIMAL BITES TO HUMANS

(a) A person, including a veterinarian, who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs. The report should be made no more than 24 hours after the time of the incident.

(1) The report must include:

- (a) the name and address of the victim and of the animal's owner, if known;
- (b) Any other information that may help in locating the victim or animal;
- (c) A Police report if police officers responded to the bite incident; and
- (d) A Report from the hospital notifying animal services of a bite incident.

(b) Owner responsibility. If the biting animal is owned, the owner shall place that animal in quarantine, as prescribed in the section below, under the supervision of the animal control authority or a licensed veterinarian.

(c) The animal control department shall investigate a report filed under this section.

ARTICLE 2.03.004 QUARANTINE

(a) A person commits an offense if the person fails to submit for quarantine or testing an animal that the animal control department has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies. The animal control officer shall be authorized to obtain an administrative search warrant if there is reason to believe any requirements of this section are violated.

(b) Procedures for animal quarantine:

(1) Disposition of biting animals.

The owner of an animal subject to quarantine pursuant to this chapter is required to quarantine the animal for a period of not less than ten (10) days confinement from the date of the bite, at the owner's expense. The quarantine may be accomplished by:

- (a) Quarantine in the animal shelter, supervised by the local animal control authority;
- (b) Quarantine at a veterinary clinic, supervised by a licensed veterinarian; or

(c) Home quarantine. The owner of the animal may request permission from the animal control authority for home quarantine, which may be granted if the animal control authority determines that:

- (1) Secure facilities are available at the home of the animal's owner and the animal control authority has approved them;
- (2) The animal is currently vaccinated against rabies as required by state law;
- (3) The nature of the bite is not severe;
- (4) Quarantine fee as specified in the fee schedule is paid to the city;
- (5) The animal has not been running at large at the time the bite occurred;
- (6) The animal has not been quarantined for a previous bite incident; and
- (7) The bite victim agrees to the home quarantine.

(c) Observation of the animal.

The animal control authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the person having possession of the animal shall notify the animal control authority as soon as the animal presents with symptoms of any illness.

(d) Destruction of animal.

If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed, and the brain submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis. The owner of the animal may be requested to reimburse the expense of shipping the brain of the animal.

(e) Interruption.

A person commits an offense if the person interrupts the observation period by removing an animal from the quarantine facility approved by the animal control authority. Any interruption of the quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by the animal control authority.

(f) Release.

(1) An animal that has been quarantined may be released by the local rabies control authority under the following conditions:

- (a) At the end of the observation period, if the owner can provide proof that the animal is currently vaccinated;
- (b) When all applicable fees have been paid; and
- (c) If the animal is not being impounded for legal proceedings.

(g) If, by the end of the observation period, the owner cannot provide proof that the animal is currently vaccinated, the animal control authority will conditionally release the animal with a voucher for rabies vaccination paid for by the animal's owner. The owner commits an offense if (s)he does not provide proof of vaccination to the animal control authority within one(1) business day of the animal's release from quarantine.

(h) Dangerous wild animals.

No dangerous wild animal will be placed in quarantine. Any dangerous wild animal involved in a biting incident will be humanely euthanized and the brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(i) Disposition of unclaimed, quarantined animal.

If the owner of a quarantined animal does not take possession of the animal, it may be disposed of in accordance with section 6-11, and Texas Code § 826.043(d).

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS THE 21ST DAY OF DECEMBER 2023.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney