

§ 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 Anguilliforms, family Muraenidae and family Congridae (eels) order Cypriniforms; 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 nondomesticated 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.

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