

## ORDINANCE NO. 3019

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 18 "ANIMALS," ARTICLE II "ADMINISTRATION AND ENFORCEMENT," DIVISION 1 "GENERALLY," BY ADDING SECTION 18-45, "RABIES CONTROL AUTHORITY," SECTION 18-46 "BITES BY ANIMALS; QUARANTINE"; SECTION 18-47. "REPORTING RABIES REQUIRED," AND SECTION 18-48 "CITY-WIDE QUARANTINE DELCARATION"; BY AMENDING ARTICLE III "DOGS AND CATS," DIVISION 1 "GENERALLY" BY ADDING SECTION 18-106 "DEFINITIONS"; BY AMENDING ARTICLE III "DOGS AND CATS," DIVISION 2 "DOGS," BY AMENDING SECTION 18-127 "RABIES VACCINATION REQUIRED" AND DIVISION 3 "CATS" BY AMENDING SECTION 18-156 "RABIES VACCINATION REQUIRED"; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE OF \$2000.00; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

*WHEREAS, Texas Health & Safety Code §826.017 requires municipalities to designate a Local Rabies Control Authority for the purposes of local enforcement of the Rabies Control Act of 1981 (Tex. Health & Safety Code §§826.001, et.seq.); and*

*WHEREAS, Texas Health & Safety Code §826.015 authorizes municipalities to adopt ordinances and rules that establish local rabies control programs; and*

*WHEREAS, the City Council of the City of Farmers Branch finds it in the public interest and in the best interest of the public health, safety, and general welfare of the citizens of the City of Farmers Branch to designate a local rabies control authority and to provide for a local rabies and quarantine program;*

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** The Code of Ordinances, Chapter 18 "Animals," Article II "Administration and Enforcement," Division 1 "Generally," is hereby amended by adding a new Section 18-45, "Rabies Control Authority," a new Section 18-46 "Bites By Animals; Quarantine," a new Section 18-47 "Reporting Rabies Required," and a new Section 18-48 "City-Wide Quarantine Proclamation" to read as follows:

### **Sec. 18-45      Local Rabies Control Authority**

(a) *Designation of Local Rabies Control Authority.* The Director of Environmental Health Services is designated as the local rabies control authority for purposes of enforcement of Chapter 826 of the Texas Health and Safety Code,

as amended.

(b) *Duties.* Among other duties, as the local rabies control authority, the Director of Environmental Services, either directly or through the City's animal services officers, shall enforce:

(1) Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health that comprise the minimum standards for rabies control and any other applicable state and federal laws related to zoonotic diseases;

(2) City's ordinances governing the control of rabies within the City; and.

(3) The rules adopted by the Texas Board of Health under the area rabies quarantine provisions of Texas Health and Safety Code §826.045, as amended, and any other applicable state and federal laws related to zoonotic diseases.

#### **Sec. 18-46 Bites by Animals; Quarantine**

(a) *Investigation of Animal Bites.* The Animal Services Division shall have the authority to investigate reports in which an animal has bitten a person. It shall be the responsibility of the animal services officer to obtain details on a bite report and conduct a follow-up investigation of the biting animal to determine whether it is infected with rabies.

(b) *Quarantine of Animal.* Any animal suspected of biting a person or animal shall be placed under a quarantine watch for a period of not less than ten (10) days following the date of the bite or tested to determine if the animal is infected with rabies. The length of the quarantine may, at the discretion of the investigating animal services officer, be increased beyond the minimum ten (10) days.

(c) *Surrender of Animal; Quarantine Fee.* The owner or person in possession of an animal suspected of biting a person or another animal shall surrender the animal to an animal services officer immediately upon demand or otherwise arrange for the animal services officer to pick up and retain such animal in isolation at the animal shelter for the period of the quarantine. After the animal has been released from quarantine, the owner or who delivered the animal into the possession of the animal services officer may claim the animal from the animal shelter upon payment of a \$50.00 quarantine fee.

(d) *Alternative Quarantine Site.* Upon demand that an animal be quarantined as required by this Section, the owner or person in possession of the animal may, in lieu of placing the animal in quarantine at the animal shelter, place the animal in quarantine observation in a veterinary clinic approved by the city.

(e) *Home Quarantine.* In lieu of quarantine at the animal shelter or at an approved veterinary clinic, the animal services officer may authorize the animal to be retained at the residence of the owner or person in control of the animal, but only if:

(1) The person has paid a home quarantine fee to the city in the amount of \$50.00;

(2) The animal was vaccinated not later than thirty (30) days prior to the date of the biting incident;

(3) At the time of the biting incident, the animal was not running at large.

(f) *Home Quarantine Requirements.* If an animal is authorized to be quarantined pursuant to Section 18-46(e), the animal must be kept as follows:

(1) The animal must be restrained and removed to an area on the property where it will not come in contact with any person or animal that does not regularly reside at the property;

(2) The animal must be made available to an animal services officer for inspection upon request;

(3) The owner or person in possession of the animal must make regular observations of the animal for any signs of illness or personality changes and report such changes to the investigating animal services officer;

(4) The animal may not be removed from the known quarantine location without prior notification and approval of the animal services officer;

(5) The animal must remain in quarantine until the owner is notified by phone, personal service, or certified mail that the final health inspection has been made and that the animal has been cleared by the animal services officer;

(6) The animal may not receive a vaccination for rabies during the quarantine period.

(g) *Failure to Comply With Home Quarantine.* Failure to comply with all conditions of home quarantine as set forth in Section 18-46(f) will result in the animal being impounded at the animal shelter for the duration of the quarantine period.

- (h) *Interference or non-compliance.* It is unlawful for a person to:
- (1) interfere with the enforcement of this section; or
  - (2) fail or refuse to surrender to the animal services officer any animal involved or suspected of biting a person or other animal, or
  - (3) otherwise fail or refuse to provide for the quarantining of an animal as may be authorized by this chapter.

**Sec. 18-47. Reporting Rabies Required**

- (a) *Owners of Rabid Animals.* Any person who owns or harbors an animal that the person knows or has reason to believe has contracted rabies shall immediately report such knowledge or belief to the Animal Services Division.
- (b) *Veterinarians.* Immediately upon diagnosis or suspicion of rabies in an animal observed or examined by the veterinarian, the veterinarian shall report the suspected cases of rabies to the Animal Services Division.

**Sec. 18-48. City-Wide Quarantine Declaration**

- (a) *Declaration of City Quarantine.* The city manager is authorized to issue a quarantine proclamation ordering each person owning, keeping, or harboring dogs or other animals to confine the animals to the person's residence unless the animal is effectively muzzled and under the control of an adult by leash, cord, chain, or rope if:
- (1) If the city manager determines that a potential outbreak of rabies within the city is suspected; and
  - (2) the danger to the public from rabid animals is reasonably imminent.
- (b) *Notice to be Published.* No person shall be held in violation of this section and no animal shall be destroyed pursuant to this section until the city manager's declaration pursuant to Subsection (a), above, has been published one time in the newspaper designated by the City Council for publication of official notices.
- (c) *Destruction of Animals at Large During City-Wide Quarantine.* On the day following publication of the notice required by Subsection (b), above, any animal found at large in violation of this section may be destroyed by an animal services officer or a police officer if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.

**SECTION 4.** The Code of Ordinances, Chapter 18 "Animals," Article III "Dogs and

Cats,” Division 1 “Generally,” is amended by adding a new Section 18-106 “Definitions,” to read in its entirety as follows:

**Sec. 18-106. Definitions.**

For purposes of this Article, the term “owner” shall have the same meaning given in Section 18-258.

**SECTION 5.** The Code of Ordinances, Chapter 18 “Animals,” Article III “Dogs and Cats,” Division 2 “Dogs,” Section 18-127 “Rabies Vaccination Required,” is hereby amended to read in its entirety as follows:

**Sec. 18-127. Rabies vaccination required.**

Any owner of any dog four months of age or over and which shall at any time be kept within the limits of the city shall have such dog immunized with an anti-rabies vaccine by a duly licensed and practicing veterinarian. All dogs initially vaccinated at four months of age or older shall be revaccinated not later than one year after the initial vaccination and thereafter either annually with one-year anti-rabies vaccine or every three years with three-year anti-rabies vaccine. Such owner shall procure from such veterinarian a certificate stating the date of the vaccination, date the next rabies vaccination is due, name and address of the owner and the approximate age, name, sex and breed of the dog.

**SECTION 6.** The Code of Ordinances, Chapter 18 “Animals,” Article III “Dogs and Cats,” Division 3 “Cats,” Section 18-156 “Rabies Vaccination Required,” is hereby amended to read in its entirety as follows:

**Sec. 18-156. Rabies vaccination required (Cats).**

Any owner of any cat four months of age or over and which shall at any time be kept within the limits of the city shall have such cat immunized with an anti-rabies vaccine by a duly licensed and practicing veterinarian. All cats initially vaccinated at four months of age or older shall be revaccinated not later than one year after the initial vaccination and thereafter either annually with one-year anti-rabies vaccine or every three years with three-year anti-rabies vaccine. Such owner shall procure from such veterinarian a certificate stating the date of the vaccination, date the next rabies vaccination is due, name and address of the owner and the approximate age, name, sex and breed of the cat.

**SECTION 7.** All ordinances and parts of ordinances inconsistent, or in conflict, with this ordinance are hereby repealed. All other ordinances and parts of ordinances not inconsistent or in conflict shall remain in full force and effect.

**SECTION 8.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

**SECTION 9.** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 10.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmers Branch, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 11.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 5<sup>TH</sup> DAY OF MAY, 2009.**

ATTEST:

APPROVED:

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Cindee Peters, City Secretary

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Tim O'Hare, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(Reviewed by K.B. Laughlin 3/30/09)