



**AGENDA
ANIMAL CONTROL ADVISORY BOARD
COUNCIL CHAMBERS
DECEMBER 04, 2023
6:30 PM**

The Joshua Animal Control Advisory Board will hold a Special Meeting on December 04, 2023, at 6:30 pm in the Council Chambers in Joshua City Hall, located at 101 S. Main, Joshua, Texas. This meeting is open to the public and subject to the Open Meeting Laws of the State of Texas.

Join Zoom Meeting:

<https://us02web.zoom.us/j/87905880957?pwd=cUdwbDc4VWJFckNsVSt6ZjZvZldsUT09>

Meeting ID: 879 0588 0957 Passcode: 807619

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. REGULAR AGENDA

1. Discuss, consider, and possible action on the meeting minutes of October 09, 2023.
2. Discuss, consider, and possible action on a recommendation to amend Chapter 2, Animal Control, Article 2.03 Rabies and Zoonosis Control, incorporating recitals, savings clauses, and setting an effective date.
3. Discuss, consider, and possible action on adopting revised Ordinance Articles 2.03.002 Rabies Vaccination, Article 2.03.003 Reports of Animal Bites to Humans, and Article 2.03.004 Quarantine.
4. Discuss and consider revisions to Chapter 2.01.007 Tethering of dogs and other animals.
5. Discuss and consider a new ordinance for the Feeding of Animals.

C. FUTURE AGENDA ITEMS/REQUESTS BY BOARD MEMBERS TO BE PLACED ON THE NEXT AGENDA

Board members shall not make routine inquiries about operations or project status on an item that is not posted. However, any board member may state an issue and request that this issue be placed on a future agenda.

D. ADJOURN.

CERTIFICATE:

I hereby certify that the above agenda was posted on the 1st day of December 2023, at 2:00 pm on the official bulletin board at Joshua City Hall, 101 S. Main Street, Joshua, Texas.

Alice Holloway, City Secretary



**Animal Advisory Agenda
December 4, 2023**

Ordinance

Action Item

Agenda Description:

Discuss, consider, and possible action on adopting revised Ordinance Articles 2.03.002 Rabies Vaccination, Article 2.03.003 Reports of Animal Bites to Humans, and Article 2.03.004 Quarantine.

Background Information:

Amendments to each article clarify the processes and expectations of citizens regarding rabies vaccinations and quarantine.

Article Articles 2.03.002 Rabies Vaccination provides a better description of what is required by the owner in order to meet both the City’s and State’s requirements.

Article 2.03.003 Reports of Animal Bites provides a better explanation of how to report animal bites and what is necessary to file the report.

Article 2.03.004 Quarantine provides more information to the citizens as to what is required for quarantine when animal bites occur.

Financial Information:

N/A

City Contact and Recommendations:

Amber Bransom

The staff recommends accepting the proposed changes.

Attachments:

- Ordinance
- Redline copy of the ordinance with revisions

**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

§ 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 12-month interval following the animal's initial vaccination, or such interval as provided by state law; and the same animal must be re-vaccinated 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.

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(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.

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(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.

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(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.

(e) ~~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.~~

(d) ~~It shall be unlawful for a person to administer, sell, or distribute rabies vaccine for animals in a manner not authorized by subsection (e) above.~~
 (Ordinance 822-2021 adopted 9/16/21)

§ 2.03.003. Reports of rabies. 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 twenty-four (24) hours after the time of the incident.

(b)(1) The report must include:

- (+)(a) The name and address of the victim and of the animal's owner, if known; and
- (-)(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

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~~(e) (d) A Report from the hospital notifying animal services of a bite incident. The animal control department shall investigate a report filed under this section. (Ordinance 822-2021 adopted 9/16/21)~~

~~(2) 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.~~

~~(3) The animal control department shall investigate a report filed under this section.~~

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§ 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.

(Ordinance 822-2021 adopted 9/16/21)

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(b) Procedures for animal quarantine:

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(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:

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(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;

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(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).

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**Animal Advisory Agenda
December 4, 2023**

Ordinance

Discussion Item

Agenda Description:

Discuss and consider revisions to Chapter 2.01.007 Tethering of dogs and other animals.

Background Information:

Proposed changes are in accordance with recent changes in legislation as well as other necessary changes. Such amendments include tethering chain weight, tethering near public right-of-ways, and the addition of several definitions.

Financial Information:

N/A

City Contact and Recommendations:

Kelley Gelsthorpe, Staff recommends the approval of recommended changes.

Attachments:

- Current Ordinance - 2.01.007 Tethering of dogs and other animals
- Proposed Changes - 2.01.007 Tethering of dogs and other animals

§ 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, turnaround, 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;

§ 2.01.007

§ 2.01.007

- (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.

(Ordinance 822-2021 adopted 9/16/21; Ordinance 848-2022 adopted 10/20/2022)

DEFINITIONS

Collar- means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

Properly fitted- means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

Restraint- means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system. Additionally, it means 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, leash, or rope under the direct control of a person of sufficient strength to control the animal.

UNLAWFUL TETHERING

(A) Lawful restraint or tethering of an animal is as follows:

(1) An animal restrained to a running line, pulley, or trolley system that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, or choke-type or improperly fitted collar. Livestock are exempt from this provision;

(2) An animal restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(3) An animal restrained for a reasonable period, not to exceed three hours in a 24-hour period, and is no longer than is necessary for the owner to complete a temporary task that requires the animal to be restrained;

(4) An animal restrained 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 an animal;

(5) An animal restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

(6) An animal restrained 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 animal.

(7) Restraint of an animal occurs while the animal is within the owner's direct physical control.

(B) This section does not prohibit a person from walking a dog with a handheld leash.

(C) It shall be unlawful for any person to tie or tether a dog to a stationary object. Dogs must be tethered on a trolley or cable run system to prevent unhealthy or potentially dangerous situations as determined by the animal control services

(D) A person commits an offense if he tethers, chains, or otherwise secures an animal by or under any of the following methods or circumstances:

- (1) In such a manner that the animal is capable of moving within 15 feet of any public right-of-way, park, or other public land, including sidewalks, or within five feet of any privately or commercially owned property when such tether is stretched to its full length;
- (2) In such a manner as to cause the animal to not be able to stand, turn around, and lie down, cause the animal injury or pain, or to not permit the animal access to shelter, food, shade, and/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 aired truck bed;
- (3) The tether is a length shorter of the greater of five times the length of the dog, as measured from the top of the dog's notes to the base of the dog's tail; or ten feet.
- (4) In such a manner whereby the animal is subject to harassment, stings or bites from outdoor insects, or attacks by other animals;
- (5) To tether or restrain the 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;
- (6) To tether any animal with a tether that is not equipped with swivel ends;
- (7) In such a manner that prevents the animal from becoming entangled with any obstruction;
- (8) To fail to remove waste from the tethered area on a daily basis;
- (9) To restrain an animal without using a properly fitted collar or harness which prevents the animal from becoming entangled with any obstruction, from partially or completely jumping any fence, or from leaving the owner's property;
- (10) To tether with a choke, pinch, or prong type collar of any sort;
- (11) To use a restraint that weighs more than one tenth of the animal's body weight;
- (12) An owner may not leave the dog outside and unattended by the 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;
 - (c) In the case of extreme weather conditions, including conditions in which:
 - (1) The actual or effective outdoor temperature is below 32 degrees Fahrenheit;
 - (2) A heat advisory has been issued by a local or state authority or jurisdiction;
 - (3) A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Services.

(13) In such a manner that is not in accordance with division (A) of this section.

(E) Animals directly involved in law enforcement activities or training are exempt from these provisions.



**Animal Advisory Agenda
December 4, 2023**

Ordinance

Discussion Item

Agenda Description:

Discuss and consider a new ordinance for the Feeding of Animals Prohibited.

Background Information:

Animal Control has been facing issues with citizens feeding ferals and inadvertently attracting and feeding wildlife. This proposed ordinance will enable them to deter the feeding of wild animals, stray animals, and feral/community cats. The City does not currently have an ordinance in place.

Financial Information:

N/A

City Contact and Recommendations:

Kelley Gelsthorpe, Staff seeks direction on the proposed new ordinance.

Attachments:

- Proposed Feeding of Animals Prohibited Ordinance

FEEDING OF ANIMALS PROHIBITED

(A) It shall be unlawful for any person to feed wild animals, stray animals or feral/community cats, regardless of age, sex or temperament. It shall also be unlawful for any person to place food of any kind with the intent to feed wild animals, stray animals or feral/community cats or to leave, store or maintain food of any kind in a manner or area accessible to wild animals, stray animals or feral/community cats, including:

- (1) On any vacant or undeveloped property or tract of land in any zoning area.
- (2) On property not owned or occupied by the person feeding or attempting to feed said wild animals, stray animals or feral/community cats.
- (3) On any fenced or unfenced property, even if owned or occupied by the person feeding or attempting to feed said wild animals, stray animals or feral/community cats.
- (4) This section shall not apply to: animal services officers or police officers for the City of Joshua during the course of their official duties or a person caring for an infant or injured wild animal that that is not capable of surviving on its own and said person possesses a valid Texas State Parks and Wildlife Rehabilitation Permit and said wild animal is kept in a secure manner and in accordance with all other city ordinances and state laws.
- (5) This section shall not apply to: approved zoological parks, performing animal exhibitions or licensed circuses, primary and secondary schools, colleges and universities or zoological parks owned or operated by a governmental entity, provided that any such wildlife is kept in a secure manner and in accordance with all other city ordinances and state laws.
- (6) This section shall not apply to birdfeeders used for the sole purpose of feeding wild birds within the boundaries of a person's owned or occupied property, or the feeding of water fowl within the Joshua city park.
- (7) This section shall not apply to: any person who is using food as an attractant to live trap a wild animal, a stray animal or a feral/community cat in a legally authorized or permitted manner.

(B) If upon investigation, an animal services officer or police officer for the City of Joshua, determines that a person is in violation of this section, the animal services officer or police officer at their discretion, may issue a warning or citation and time frame for compliance to said person. Each day that a violation is permitted to exist shall constitute a separate offense.