

**ORDINANCE NO. O-2017-80**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF TYLER, TEXAS, CHAPTER 14, "ANIMALS," BY AMENDING SECTIONS 14-30 and 14-32 TO ALLOW FOR THREE YEAR VACCINATIONS FOR CATS AND DOGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety and welfare; and

**WHEREAS**, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

**WHEREAS**, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, Texas Health and Safety Code, Sec. 826.001, et. seq. and Texas Administrative Code, Chapter 169, Rabies Control and Eradication, allow dogs and cats in Texas to get vaccinations that are effective for a three year period; and

**WHEREAS**, the current Tyler City Code requires that after the initial vaccination, which should occur by the time the animal is four (4) months old, owners should be able to show annual proof of vaccination; and

**WHEREAS**, the City of Tyler Animal Care Advisory Board recommends that the local vaccination requirement be consistent with state law by changing the annual vaccination requirement to recognize and accept proof of a three-year vaccination; and

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That Tyler City Code, Chapter 14, "Animals," Article IV., Rabies Control, Section 14-30 to read as follows:

**Sec.14-30. Proof of vaccination required.**

- a. All dogs and cats within the City limits must be vaccinated against rabies by the time the animal is four (4) months of age and at regular three year intervals thereafter, and the owner must obtain some sort of proof confirming that vaccination.
- b. If a citation for no proof of rabies vaccination is written against the owner, harbinger, or person in control of an unvaccinated dog or cat, the person may have the citation dismissed by producing a current rabies certificate or other

confirmation to the Court on or before the appearance date showing the animal has been properly vaccinated.

- c. Each veterinarian or other person giving a rabies shot shall keep a list with all the license information required on all vaccinations given. (Ord. No. O-96-13, 2-21-96) (Ord. No. 0-2014-85; 9/24/14) (Ord. No. O-2017-80; 9/13/17)

**PART 2:** That Tyler City Code, Chapter 14, "Animals," Article IV., Rabies Control, Section 14-32 to read as follows:

**Sec.14-32. Impoundment, quarantine of animals; redemption by owner.**

- a. Pursuant to state law, the Animal Shelter Manager or designee is authorized to impound and/or quarantine an animal when there is probable cause to believe that a person may have been exposed to rabies.
- b. A quarantined animal with rabies or rabies symptoms shall be confined in the City animal shelter or a veterinary hospital and disposition shall be made in accordance with state law.
- c. In the case of other animals quarantined, the Animal Shelter Manager or designee shall determine whether to confine the animal in the City shelter, a veterinary hospital, or on the premises of the owner.
- d. Home quarantine on the premises of the owner shall be permissible where:
  - 1. The owner is a City resident;
  - 2. The owner possesses facilities adequate to restrain the animal so as to prevent exposure of persons or other animals;
  - 3. Adequate documentation exists that the animal is currently vaccinated against rabies; and
  - 4. The animal currently possesses no apparent symptoms of rabies.
- e. It is unlawful for any person to remove an animal from the premises of the owner following issuance of an order for home quarantine.
- f. During confinement, an animal may be inspected at any time by the Animal Shelter Manager, the Local Rabies Control Authority, or designee.
- g. The Animal Shelter Manager or designee shall determine the length of confinement and safety procedures. A licensed veterinarian shall make a determination of whether or not the animal is free of rabies pursuant to state law.
- h. If a licensed veterinarian determines that the animal does not show the clinical signs of rabies, the animal may be reclaimed by the owner upon satisfaction of applicable vaccination requirements pursuant to state law. (Ord. No. O-96-13, 2-21-96) (Ord. No. 0-2014-85; 9/24/14) (Ord. No. 0-2016-16; 2/24/16) (Ord. No. O-2017-80; 9/13/17)

**PART 3:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 4:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be September 20<sup>th</sup>, 2017.

**PASSED AND APPROVED** this the 13<sup>th</sup> day of September A.D., 2017.

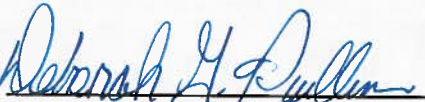
  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK



  
DEBORAH G. PULLUM,  
CITY ATTORNEY