

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 6 ANIMALS, RELATED TO THE RABIES VACCINE FREQUENCY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of New Braunfels, Texas is a home-rule city; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas, as authorized under the Texas Local Government Code, has adopted and employed ordinances establishing the New Braunfels Animal Services Advisory Board; and

**WHEREAS**, the City Council amends its ordinances from time to time to ensure they are achieving community and citizen goals; and

**WHEREAS**, the City Council deems it necessary to amend the composition and duties of the Animal Services Advisory Board; and

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting these amendments, including but not limited to Action 3.6: Proactively provide a regulatory environment that remains business and resident friendly, Action 3.35: Support local non-profits whose mission includes Envision New Braunfels goals, and Action 8.3: Foster opportunities for collaboration with local non-profits; and

**WHEREAS**, the City Council has directed that ordinances dealing with the care of pets be reviewed by the Animal Services Advisory Board to make recommendations concerning improving those regulations; and

**WHEREAS**, the City Council heard a briefing on these amendments at their regular meeting on July 17, 2023 and directed staff to have the Animal Services Advisory Board discuss the rabies vaccine frequency modifications; and

**WHEREAS**, the Animal Services Advisory Board discussed and recommended rabies vaccine frequency modifications at their meeting on July 25, 2023; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas considered these amendments at a first reading on August 28, 2023, and a second reading on September 11, 2023; and

**WHEREAS**, the City Council finds that adopting the modifications to the rabies vaccine frequency modifications as outlined below remedies the identified issues, which is in the best interest of the citizens of New Braunfels, Texas. **Now therefore**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** Chapter 6, Animals, ARTICLE I Definitions, is hereby amended with additions as underlined and deletions as strikeouts as follows:

Article I. In General

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Section 6-1. Definitions

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*Currently vaccinated* means vaccinated and satisfying the following criteria:

- (1) The animal must have been at least ~~three~~ four months of age at the time of vaccination;
- (2) At least 30 days have elapsed since the initial vaccination; and
- (3) The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer. ~~Not more than 12 months have elapsed since the most recent vaccination.~~

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### **SECTION 2**

**THAT** Chapter 6, Animals, ARTICLE III Animal Control, Section 6-56 (c) (2) Feral cat colony management, is hereby amended with additions as underlined and deletions as strikeouts as follows:

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**Sec. 6-56. (c) (2) Feral cat colony management.**

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- (c) *Feral cat colony caretaker responsibilities.* In order to be an approved managed feral cat colony caretaker, said caretakers shall be responsible for the following:
  - (1) Registering the colony with the sponsor.

- (2) Taking all appropriate and available steps to vaccinate the colony population for rabies with an approved ~~three-year~~ vaccine and to update the vaccinations as reasonably possible or warranted.

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### SECTION 3

**THAT** Chapter 6, Animals, ARTICLE V Rabies Control, Section 6-106 Rabies vaccination; tag., is hereby amended with additions as underlined and deletions as strikeouts as follows:

#### **Sec. 6-106. Rabies vaccination; tag.**

- (a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat over 120 days of age within the city unless such dog or cat is currently vaccinated against rabies by the injection of antirabies vaccine by or under the direct supervision of a licensed veterinarian.

It shall be an affirmative defense to prosecution under this section that a feral cat that is otherwise in a sponsor approved trap, neuter, and return feral cat colony program is currently vaccinated ~~subject to rabies vaccination at least every three years~~ with an approved ~~multi-year~~ vaccine and updated as is reasonably practical or warranted.

- (b) Every owner of a dog or cat immunized against rabies as required in this section shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such certificates shall contain the following information:
- (1) Owner's name, address, and telephone number;
  - (2) The species, sex, age, size (pounds), predominant breed, and color of the vaccinated animal;
  - (3) The vaccine used, producer, expiration date, and serial number;
  - (4) Date vaccinated;
  - (5) Rabies tag number;
  - (6) Veterinarian's signature and license number;
  - (7) Next Vaccine due date.

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### SECTION 4

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such

invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

#### **SECTION 5**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### **SECTION 6**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### **SECTION 7**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

#### **SECTION 8**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

**PASSED AND APPROVED:** First reading this the 28<sup>th</sup> day of August, 2023.

**PASSED AND APPROVED:** Second reading this the 11<sup>th</sup> day of September, 2023.

**CITY OF NEW BRAUNFELS**

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**Neal Linnartz, Mayor**

**ATTEST:**

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**Gayle Wilkinson**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney