

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 26, "ANIMAL CONTROL," ARTICLE V, "RABIES CONTROL" BY AMENDING THE RABIES CONTROL REGULATIONS CONTAINED THEREIN; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, pursuant to Section 826.015 of the Texas Health and Safety Code, the City Council of the City of McKinney ("City Council") possesses the authority to adopt ordinances or rules that establish a local rabies control program in the City and set local standards compatible with state standards; and

WHEREAS, on or about October 6, 2009, the City Council adopted through Ordinance No. 2009-10-070 certain regulations relating to animals, including regulations preventing and controlling the transmission of rabies to human beings and domestic animals within the City; and

WHEREAS, the City Council finds that the adoption of updated provisions of the City's regulations relating to rabies control is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 26, "Animal Control," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Article V, entitled "Rabies Control" to hereafter read as follows:

"ARTICLE V. – RABIES CONTROL

Sec. 26-34. Rabies vaccination.

(a) Vaccinations required.

- (1) A person who owns, keeps, harbors or has custody of a dog, cat, or ferret over four months of age must have said animal immunized against rabies by injection of anti-rabies vaccine by a veterinarian validly licensed in Texas 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 revaccinated against rabies at a minimum of at least once every three years 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.
- (b) Every owner of a dog, cat, or ferret immunized against rabies shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.
 - (c) 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 Tex. Health and Safety Code, 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 section subsection (c), above.

Sec. 26-35. Domestic animals that exhibit rabies symptoms or reasonably indicate rabies symptoms.

- (a) A dog, cat, or ferret that has rabies or symptoms that could reasonably indicate rabies, or that bites, scratches, or otherwise creates a condition that may expose or transmit rabies to any human being or animal, shall be immediately impounded as provided in section 26-36 of this chapter and shall be held in quarantine in the city a minimum period of ten days from the date of the bite, scratch, or when the condition that may have exposed or transmitted the rabies virus to a human being occurred, or longer as the local rabies control authority may deem necessary. Such quarantine will be subject to the following conditions:

- (1) An unvaccinated dog, cat, or ferret shall not be vaccinated against rabies during the ten-day observation period.
- (2) The animal must be observed twice daily for rabies symptoms during the observation period.
- (3) If an animal control officer is able to notify the owner of the subject animal, within 24 hours of notification and with the approval of the local rabies control authority, the owner may exercise the option to quarantine the subject animal in:
 - a. A department of state health services approved facility including a licensed veterinarian's clinic in the city that has the facilities for isolation cages,
 - b. The animal care and control center,
 - c. Other approved sites within the city designated and approved by the local rabies control authority, or
 - d. Home confinement as provided in subsection (b), below.

(b) Home confinement.

- (1) As an alternative to quarantine at a facility provided in subsection (a)(3), above, the local rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met:
 - a. The animal must remain securely enclosed or confined, as that term is defined in section 26-1, herein, at all times;
 - b. The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement;
 - c. During the confinement period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted;

- d. The local rabies control authority or a licensed veterinarian must observe the animal at least on the first and last days of the home confinement;
- e. The animal has not been quarantined for a previous bite incident;
- f. The animal was properly restrained in accordance with Sec. 26-14 of this Code, as amended, at the time of the potential exposure;
- g. All other animals over 16 weeks in age located within the household in which the home confinement is to occur have been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine; and
- h. Any other requirements for home confinement contained in 25 Tex. Admin. Code § 169.27, as amended.

- (2) The local rabies control authority shall have the authority to revoke any such allowance for an animal to be quarantined via home confinement should the local rabies control authority become aware of a violation of any of the above criteria or relevant local, state or federal law relating to the keeping of animals, or should the local rabies control authority determine, in its sole discretion, that revoking said allowance would be in the best interest of the health, safety and wellbeing of the public.
- (3) Animals not eligible for home confinement must be quarantined within the city as otherwise provided in this section."

Section 3. Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the City's Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 4. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The Caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of McKinney, Texas and shall be effective immediately upon its passage and publication.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 21st DAY OF JULY, 2026.

CITY OF MCKINNEY, TEXAS

BILL COX, Mayor
RICK FRANKLIN, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney
BENJAMIN SAMPLES, First Assistant City Attorney
ALAN LATHROM, Assistant City Attorney