

## Chapter 3.5

### ANIMALS

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**ARTICLE I. IN GENERAL**

**Secs. 3.5-1—3.5-25. Reserved.**

**ARTICLE II. VACCINATION OF DOGS AND CATS****Sec. 3.5-26. Authority and purpose.**

(a) These rules are promulgated pursuant to and in conformity with the following statutory authority:

- (1) The Rabies Control Act of 1981 as contained in V.T.C.A., Health and Safety Code, § 826.001 et seq.; and
- (2) The rules of the state board of health which comprise the minimum standards for rabies control.

(b) It is the purpose of the commissioners' court of the county to exercise its authority to impose reasonable and uniform rules for the vaccination of dogs and cats; the quarantining of certain dogs and cats; declaring certain animals a public nuisance; and requiring dogs and cats to be restrained in the county. These rules are adopted to protect the health, safety and general welfare of the people of the county and also to protect the health, safety and general welfare of animals kept in the county by preventing the spread of diseases and by reducing the risk of injury to people from animals kept in the county.

(c) These rules do not limit nor expand any other legal remedy available to any person, or to the county, under the laws of Texas and the United States for any injury or claim related to the keeping of an animal, nor do these rules serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.

(d) The county animal authority, as created and designated below, is authorized to enforce these rules and is authorized to issue citations in the unincorporated areas of the county.

(e) These rules apply to all portions of unincorporated areas of the county. These rules apply to incorporated cities or towns that adopt these rules and execute cooperative agreements with the county for their enforcement.  
(Ord. No. 201, § 1, Exh. A, 8-13-2001)

### **Sec. 3.5-27. Definitions.**

For the purpose of these rules certain terms and words are hereby defined, words used in the present tense include the future; a singular number includes the plural and the plural the singular; reference to the male gender includes the female, and reference to any person or animal without specifying gender includes both male and female; the word "shall" is mandatory and not directory. The words "animal", "cat", "dog", "person", "quarantine", "rabies", "licensed veterinarian", "humanely destroy", "vaccinated", "currently vaccinated", "observation period", "quarantine period", and "unowned animal", shall have the same meaning as provided by the Rabies Control Act of 1981 and the Rules of the Texas Department of Health promulgated pursuant to the Rabies Control Act of 1981.

*Animal control officer* means the person or persons employed by or contracting with the county animal control to enforce these rules.

*Bite* means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

*Certificate* means a certificate bearing the signature and license number of a licensed veterinarian, rabies tag number, the name, color, sex, species, age and breed of a dog or cat, the name and address of the owner, the date of the vaccination, the date, serial number, producer and type of vaccine administered.

*Custodian* means a person who feeds, shelters, harbors, or has possession or control, or has the responsibility to control an animal.

*Dangerous dog* means any dog that has been deemed dangerous under the provisions of V.T.C.A., Health and Safety Code, ch. 822, subchapter D.

*Exposed to rabies* means any dog or cat or other animal (whether it has been vaccinated for rabies or not) which has been bitten, fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

*Harbors* means a person that feeds, waters, or cares for a dog or cat for a period of three consecutive days.

*Impound* means the apprehending, catching, trapping, netting, tranquilization, or confining.

*Impounding facility* means any premises designated by the county for the purpose of impounding, destroying or caring for all animals found in violation of this section.

*Local rabies control authority* means the person or persons duly appointed by the commissioners' court to supervise the enforcement of these rules.

*Owner* means any individual, corporation, association or any other legal entity, that harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog or cat. The occupant of any premises on which a dog or cat remains for a period of seven days or to which it customarily returns daily for a period of seven days is presumed to be harboring, sheltering or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping, being limited to the words of the aforementioned presumption.

If a minor owns a dog or cat or other animal subject to the provisions of the rules, any adult occupant of the household of which such minor is a member, shall be deemed to be the owner or custodian of such dog or cat or animal for the purpose of these rules and under this order shall be responsible as the owner or custodian. If not a member of a household, such minor owner shall himself be directly subject to the provisions of these rules.

*Public nuisance* shall describe any animal that:

- (1) Continually barks or other noisemaking;
- (2) Soils, defiles or defecates on a public walk or recreation area and the owner does not immediately remove such waste; or

- (3) Chases or pursues pedestrians, cyclists, or vehicles.

*Registered* means any animal who is registered with the county animal control by section 3.5-31 herein.

*Restraint* means the control of a dog or cat under the following circumstances:

- (1) If the dog or cat is located within a platted subdivision, property contiguous to a platted subdivision or within 300 feet of a platted subdivision it shall be considered to be restrained:
  - a. When it is controlled by a lead, line or leash that is secured to a secure object or held by a human being who is capable of controlling or governing the animal in question. (See definition of "owner" above, concerning minors);
  - b. When it is within a fully enclosed vehicle;
  - c. When it is on the premises of the owner and/or custodian, provided that said animal does not have access to a sidewalk or street;
  - d. When it is being actively managed by an owner and such animal has on an electronic restraint device controlled by the owner; or
  - e. When it is being actively managed by a person engaged in lawful hunting or livestock management.
- (2) If these rules are adopted by incorporated cities or towns and such cities or towns execute cooperative agreements with the county, if the dog or cat is located within the boundaries of such municipality or town, on property contiguous to the boundaries of such municipality or town, or within 300 feet of the boundaries of such municipality or town it shall be considered restrained:
  - a. When it is controlled by a lead, line or leash that is secured to a secure object or held by a human being who is capable of controlling or governing the animal in question. (See definition of "owner" above, concerning minors);
  - b. When it is within a fully enclosed vehicle;

- c. When it is on the premises of the owner and/or custodian, provided that said animal does not have access to a sidewalk or street;
  - d. When it is being actively managed by an owner and such animal has on an electronic restraint device controlled by the owner; or
  - e. When it is being actively managed by a person engaged in lawful hunting or livestock management.
- (3) If the dog or cat is located in an unincorporated area of the county that does not fall within subsection (1) or (2), above, the dog or cat shall be considered to be restrained when:
- a. When it is controlled by a lead, line or leash that is secured to a secure object or held by a human being who is capable of controlling or governing the animal in question. (See definition of "owner" above, concerning minors);
  - b. When it is within a fully enclosed vehicle;
  - c. When it is on the premises of the owner and/or custodian;
  - d. When it is being actively managed by an owner and such animal has on an electronic restraint device controlled by the owner; or
  - e. When it is being actively managed by a person engaged in lawful hunting or livestock management.

*School* means a building where persons regularly assemble for the purpose of instruction, education, or care together with the playgrounds, dormitories, stadiums and other structures or grounds used in conjunction therewith.

*Stray* means any animal running free without restraint and that is off the property of the owner or custodian of such animal.

*Unprovoked* with respect to an attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched or squeezed by a person.

(Ord. No. 201, § 1, Exh. A, 8-13-2001)

**Sec. 3.5-28. Local rabies control authority.**

(a) The county sheriff is hereby designated as the local rabies control authority for the purposes of these rules.

(b) The local rabies control authority or his designee shall have the duty to enforce:

- (1) The Rabies Control Act of 1981, V.T.C.A., Health and Safety Code, § 826.001 et seq. and amendments thereto;
- (2) The rules of the state board of health which comprise the minimum standards for rabies control;
- (3) The county rules to control rabies adopted herein; and
- (4) The rules adopted by the state board of health under the area of quarantine provisions of the Rabies Control Act of 1981.

(Ord. No. 201, § 1, Exh. A, 8-13-2001)

**Sec. 3.5-29. Restraint and impoundment.**

(a) All dogs and cats shall be kept under restraint.

(b) The owner or custodian of every dog or cat shall be held responsible for any behavior of a dog or cat under the provision of these rules.

(c) It shall be the duty of the designee of the local rabies control authority to catch, confine and impound the following:

- (1) All stray dogs or cats whether vaccination tags are displayed or not;
- (2) Animals, domesticated, wild or stray, which have bitten or scratched a person or have bitten an animal or have been bitten by a dog or cat or animal suspected of having rabies or have been exposed to rabies.

(d) All animals picked up under this section shall be impounded in an impounding facility.

(e) The local rabies control authority or his authorized designees are hereby authorized to enter upon any unfenced lot, tract, or parcel of land for the purpose of seizing any unrestrained dog or cat straying thereon. Nothing herein shall be construed as



authority to enter buildings without the permission of the occupant or owner thereof or a valid court order so authorizing; or in case of emergency under the auspice of a commissioned law enforcement officer.

(f) Any person may take upon and deliver to the animal control officer any stray, which the animal control officer is, by the provisions of these rules, required to impound. Each stray dog or cat is declared a public nuisance.

(g) Any dog or cat found straying upon private property may be taken up by the owner of said property or his agent and delivered to the animal control officer.

(h) When dogs or cats are straying and the animal control officer or a commissioned peace officer knows their ownership, such animals need not be impounded but the officer may, in his discretion, issue a written warning to such owners or issue a citation and summons to the owners or custodians of such animals to appear in a justice of the peace court to answer charges of violation of the rules.

(i) It shall be the duty of the local rabies control authority or his designee to deposit all living animals collected with the designated shelter facility approved by the commissioners' court of the county.

(j) All monies collected by the local rabies control authority or his designee under the terms of these rules shall be deposited with the county treasurer under the control of the commissioners' court and be used only for defraying the expenses of administration and enforcement of these rules.

(k) No person shall interfere with, hinder or molest any animal officer or other party designated by the local rabies control authority or his designee, in the performance of any duty delegated hereunder, or seek to release any animal taken and held in custody under the provisions of this order except as herein provided.

(l) Every dog that has been deemed dangerous under the provisions of V.T.C.A., Health and Safety Code, ch. 822, subchapter D, shall be confined in an enclosed structure of not less than six

feet in height and having dimensions of not less than six feet in width and eight feet in length. The top of the structure shall be covered. Such structure if made of wire shall be no less than nine gauge wire. The enclosure shall be secured at all times by a locking device capable of preventing the animal from escaping the enclosure without the owner or his designee.

(Ord. No. 201, § 1, Exh. A, 8-13-2001)

### **Sec. 3.5-30. Vaccinations.**

The owner or custodian of every dog or cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981 and the rules of the state board of health and amendments thereto and have a rabies vaccination tag firmly affixed to the collar of such dog or cat.

(Ord. No. 201, § 1, Exh. A, 8-13-2001)

### **Sec. 3.5-31. Rabies, control and quarantine.**

When a dog or cat that has bitten a human has been identified, the owner or custodian will be required to place the animal in quarantine as required by the Rabies Control Act of 1981 and amendments thereto, and the rules of the state board of health in effect at that time. Expenses incurred by quarantine of animals either vaccinated or unvaccinated, shall be borne by the owner or custodian of said animal.

(Ord. No. 201, § 1, Exh. A, 8-13-2001)

### **Sec. 3.5-32. Penalties for violation.**

#### *(a) Violations of restraint provisions.*

- (1) If the animal control officer, his designee, or a commissioned peace officer personally witnesses a violation of subsection 3.5-29(a) above, such person shall receive, subject to subsection (2), below, a written warning from the animal control officer, his designee or the commissioned peace officer.
- (2) If it is shown that a person charged with a violation of subsection 3.5-29(a) has received a written warning pursuant to subsection 3.5-32(a)(1) within the preceding 12

months, a person who violates subsection 3.5-29(a) shall be charged with a class C misdemeanor and, upon conviction, be punished by a fine of not more than \$100.00.

- (3) If it is shown that a person has been convicted of a previous offense under subsection 3.5-32(a)(2), above, within the preceding 12 months, such person shall, upon conviction, be punished by a fine of not less than \$150.00 and not more than \$500.00.

(b) *Violations of other provisions.* It is a class C misdemeanor for a person to violate any section other than subsection 3.5-29(a). (Ord. No. 201, § 1, Exh. A, 8-13-2001)

**Sec. 3.5-33. Dismissal of certain misdemeanor charges.**

(a) When a person is charged with a misdemeanor offense under these rules, the court in its discretion may defer proceedings and allow the person 180 days to present evidence that subsequent to the alleged act, they have successfully complied with any reasonable condition imposed on the defendant by the justice pursuant to V.T.C.A., Code of Criminal Procedure, Article 45.54.

(b) At the conclusion of the deferral period, if the defendant presents evidence that he has complied with the requirements imposed the dismiss the complaint.  
(Ord. No. 201, § 1, Exh. A, 8-13-2001)

