

# Chapter 6 - Animals

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## ARTICLE I. - IN GENERAL

### Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means a warm-blooded animal.

*Cat* means a domestic feline (*Felis catus*) of either sex, including one neutered or sterilized.

*Dog* means a domestic canine (*Canis familiaris*) of either sex, including one neutered or sterilized.

*Domestic animal* means dogs, cats, rabbits, rodents, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, nonhuman primates, and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

*Harboring* means the act of keeping and caring for an animal, or of providing a premises to which the animal returns for food, shelter or care for a period of ten days.

*Impoundment* means quarantining an animal in a designated detention site which is under the supervision of the county health officer or his representative.

*Owner* means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity who has the right of property in an animal, or who harbors any animal, or allows an animal to remain about its premises for a period of ten days.

*Person* means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

*Quarantine* means strict confinement under restraint by closed cage or paddock or in any other manner approved by the state department of health or its designee on the private premises of the owner or at a facility approved by the state department of health or its designee for a period of at least ten days or more as prescribed by the county health officer.

*Rabies* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal.

*Rabies vaccination* means the vaccination of a dog, cat or other domestic animal with a modified live virus rabies vaccine which shall be administered only by or under the direct supervision of a veterinarian.

*Running at large* means pertaining to any animal off the premises of the owner and not under the physical, visible or audible control of the owner or his authorized representative. An animal intruding upon the property of another person other than the owner shall be termed "running at large."

*Stray* means any animal that is allowed to run free with no physical restraint beyond the premises of the owner or for which there is no identifiable owner.

*Veterinarian* means a veterinarian licensed to practice veterinary medicine in the state.

*Vicious animal* means any animal that commits an unprovoked attack upon a person on public or private property, or that attacks, threatens to attack or terrorizes a person on public property or in a public place.

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<sup>1</sup> **Cross reference**— Environment, ch. 34. Federal law reference— Animal welfare act, 7 USC 2131 et seq. **State Law reference**— [Agriculture Code Chapter 142](#), Health and Safety Code Chapters [821](#), [822](#), [826](#), and [828](#), [Human Resources Code Chapter 121](#), [Penal Code Chapter 42](#),

*Wild animal* means all species of animals which exist in a natural unconfined state and are not usually domesticated.

(Ord. No. 82-1598, § 1, 10-4-1982)

Sec. 6-2. - Penalties for violation of chapter.

- (a) *Violation of dog and cat vaccination requirements.* An owner commits an offense if he fails or refuses to have each dog and cat he owns vaccinated against rabies, and such animal is required to be vaccinated under the provisions of article III, division 2 of this chapter. An offense under this subsection is a class C misdemeanor.
- (b) *Violation of animal quarantine requirements.* An owner commits an offense if he fails or refuses to quarantine or present for quarantine any animal which is required to be placed in quarantine under the provisions of article III, division 4 of this chapter. An offense under this section is a class C misdemeanor.

(Ord. No. 82-1598, § 8, 10-4-1982)

Sec. 6-3. - Fees; licenses; permits.

The county health officer, with the consent and approval of the commissioners court shall establish a schedule of fees for impoundment or quarantine which are on file in the county health and human services department.

(Ord. No. 82-1598, § 7.2, 10-4-1982)

Secs. 6-4—6-30. - Reserved.

## **ARTICLE II. - ADMINISTRATION**

### **DIVISION 1. - GENERALLY**

Secs. 6-31—6-50. - Reserved.

### **DIVISION 2. - ANIMAL CONTROL DIVISION<sup>2</sup>**

Sec. 6-51. - Creation.

There is hereby created an animal control division of the county health and human services department. The environmental health director of the county health and human services department shall be appointed the animal control officer who shall be supervised by and responsible to the county health officer. The animal control officer is designated as the local rabies authority for the county for purposes of enforcing the county rules for rabies control and prevention.

(Ord. No. 82-1598, § 7.1, 10-4-1982)

Sec. 6-52. - Recordkeeping.

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<sup>2</sup> **State Law reference**— Rabies control authority, V.T.C.A., [Health and Safety Code § 826.017](#).

It shall be the duty of the county health officer to maintain such records as deemed necessary of the enforcement of all provisions of this chapter and have these records available for display to the commissioners court, or to the public at any time during regular business hours of the health and human services department.

(Ord. No. 82-1598, § 7.3, 10-4-1982)

Secs. 6-53—6-80. - Reserved.

## **ARTICLE III. - RABIES CONTROL<sup>3</sup>**

### **DIVISION 1 - GENERALLY**

Secs. 6-81—6-100. - Reserved.

### **DIVISION 2. - VACCINATION AND REGISTRATION<sup>[5]</sup> 4**

Sec. 6-101. - Generally.

Every owner of a dog or cat shall have such animal vaccinated against rabies by the time the dog or cat is three months of age. All dogs or cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter. Such routine revaccination should be performed during the months of January and February during each calendar year. Any person moving into the county from a location outside the county and does not meet the above requirements shall comply with these regulations within ten days after having moved into the county. If the dog or cat has inflicted a bite to any person or another animal within the ten-day period, the owner of the dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after a ten-day observation period.

(Ord. No. 82-1598, § 2.1, 10-4-1982)

Sec. 6-102. - Certificate.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy, and one copy shall be registered with the county health officer. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat.
- (2) The date of vaccination.
- (3) The type of rabies vaccine used.
- (4) The year and number of rabies tag.
- (5) The breed, age, color and sex of the vaccinated dog or cat.

(Ord. No. 82-1598, § 2.2, 10-4-1982)

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<sup>3</sup> **State Law reference**— Rabies control, V.T.C.A., [Health and Safety Code § 826.001](#) et seq.

<sup>4</sup> **State Law reference**— Rabies vaccination required, V.T.C.A., [Health and Safety Code § 826.021](#) et seq.

Sec. 6-103. - Rabies tag.

Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 6-102, the owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar harness, with the attached metal tag, to be worn by his dog whenever the dog is running at large.

(Ord. No. 82-1598, § 2.3, 10-4-1982)

Sec. 6-104. - Duplicate tag.

In the event of loss or destruction of the original tag provided in section 6-103, the owner of the dog shall obtain a duplicate tag.

(Ord. No. 82-1598, § 2.4, 10-4-1982)

Sec. 6-105. - Modified live virus rabies.

To prevent improper vaccination of animals against and the accidental exposure of humans to rabies, modified live virus rabies vaccine for animals shall be administered only by or under the direct supervision of a veterinarian who is licensed to practice in the state.

(Ord. No. 82-1598, § 2.5, 10-4-1982)

Secs. 6-106—6-130. - Reserved.

### **DIVISION 3. - REPORTING REQUIREMENTS AND IMPOUNDMENT<sup>5</sup>**

Sec. 6-131. - Duty to report human exposure.

Any person having knowledge that an animal has bitten or scratched a human being shall immediately report the incident to the animal control officer. Every physician or other medical practitioner who treats a person for such bites shall, within 12 hours, report such treatment to the animal control officer giving name, age, sex and precise location of the bitten person, and such other information as the officer or agency may require.

(Ord. No. 82-1598, § 3.1, 10-4-1982)

Sec. 6-132. - Duty to report animals exposed to rabies.

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the animal control officer, giving him the name and address of the victim and the animal's owner, if known, any other information that may help in locating the victim or animal, and any other information which the animal control officer may require. The animal control officer shall investigate each report made. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

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<sup>5</sup> **State Law reference—** Rabies reporting and quarantine requirements, V.T.C.A., [Health and Safety Code § 826.041](#) et seq.

- (1) The animal having a current, valid rabies vaccination which has been received more than 30 days prior to such exposure must be revaccinated immediately and quarantined according to the method prescribed by the county health officer and all applicable rules adopted by the state board of health for a period of not less than 90 days.
- (2) Animals not having a current valid vaccination or a vaccination that was received less than 30 days prior to such exposure should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense, in a manner prescribed by the county health officer, and all applicable rules adopted by the state board of health, quarantine the animal for a period of six months. Quarantined unvaccinated animals shall be given vaccinations at three and eight weeks of quarantine. If at the end of the six-month period, a licensed veterinarian declares in writing the animal to be free of symptoms of rabies, the animal may then be vaccinated against rabies by a licensed veterinarian and requarantined for an additional 30 days. If at the end of the additional 30-day quarantine, a licensed veterinarian finds that the animal remains free from all symptoms of rabies, the animal may then be released to the owner.

(Ord. No. 82-1598, § 3.2, 10-4-1982)

Sec. 6-133. - Exclusions.

Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this division.

(Ord. No. 82-1598, § 3.3, 10-4-1982)

Sec. 6-134. - Suspected rabies.

Any veterinarian who clinically diagnoses rabies, or any person who suspects rabies in a dog, cat or other domestic or wild animal, shall immediately report the incident to the animal control officer stating precisely where such animal may be found. A veterinarian who diagnoses rabies or suspects rabies in a dog, cat, or other domestic or wild animal in his possession shall quarantine the animal. If a known or suspected rabid animal bites or attacks another domestic animal, such incident shall also be reported as required in this section. The owner of an animal that is reported to be rabid or to have exposed an individual or that the owner knows or suspects to be rabid or to have exposed an individual shall submit the animal for quarantine to the animal control officer.

(Ord. No. 82-1598, § 3.4, 10-4-1982)

Sec. 6-135. - Procedures for wild animal bites.

Any wild animal (other than rodents, rabbits, birds and reptiles) which has bitten an individual shall be caught and killed, if possible, and the brain submitted immediately to a qualified laboratory for rabies examination.

(Ord. No. 82-1598, § 3.5, 10-4-1982)

Secs. 6-136—6-160. - Reserved.

## **DIVISION 4. - QUARANTINE<sup>6</sup>**

### **Sec. 6-161. - Quarantine of dogs, cats and ferrets.**

- (a) Any dog, cat or ferret which has bitten an individual shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or the county health and human services department, and shall conform in all respects to all applicable rules adopted by the state board of health. If the dog, cat or ferret is not quarantined on the owner's premises, quarantine shall be impoundment in the animal detention site, or at any veterinary hospital of the owner's choice. Such quarantine shall be at the owner's expense. Stray dogs, cats or ferrets whose owners cannot be located shall be impounded in the designated detention site. The owner of any dog, cat or ferret that has been reported to have inflicted a bite on any person shall on demand produce such dog, cat or ferret for quarantine, as prescribed in this division, and each day of such refusal shall constitute a separate and individual violation. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the rabies disease, the animal control officer shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the animal control officer shall remove the head of the animal and submit it to the state department of health laboratory for testing.
- (b) The owner of the animal may request permission from the county health and human services department for home quarantine if the following criteria can be met:
  - (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the animal control officer.
  - (2) The animal is currently vaccinated against rabies.
  - (3) The animal control officer 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 animal control officer must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
  - (4) The animal was not in violation of any laws at the time of the bite.
  - (5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to the state department of health certified laboratory for rabies diagnosis.

(Ord. No. 82-1598, § 4.1, 10-4-1982)

### **Sec. 6-162. - Removal of dogs, cats and ferrets from quarantine.**

- (a) It shall be unlawful for any person to remove from any place of quarantine any dog, cat or ferret which has been quarantined or impounded, as authorized by the regulations of this division, without the consent of the county health and human services department. If it is determined that a quarantined animal does not show the clinical signs of rabies, the animal control officer shall release it to the owner following the quarantine period if:
  - (1) The owner has an unexpired rabies vaccination certificate for the animal; or
  - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.
- (b) The owner of an animal that is quarantined under this chapter shall pay to the animal control officer the reasonable costs of the quarantine and disposition of the animal, and the animal control officer may bring suit to collect those costs. The animal control officer may sell and retain the proceeds or keep, grant or destroy an animal that the owner or custodian does not take possession of on or before the third day following the final day of the quarantine.

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<sup>6</sup> **State Law reference**— Quarantine, V.T.C.A., [Health and Safety Code §§ 826.042—826.046](#).

(Ord. No. 82-1598, § 4.2, 10-4-1982)

Secs. 6-163—6-190. - Reserved.

## **ARTICLE IV. - VICIOUS AND DANGEROUS ANIMALS<sup>7</sup>**

Sec. 6-191. - Harboring or owning.

No person shall knowingly own or harbor a vicious animal within the county. Such animal shall be impounded as a public nuisance. If impoundment of the animal running at large cannot be made with safety to the animal control officer, or other persons acting under his direction, the animal may be destroyed without notice to the owner or harborer.

(Ord. No. 82-1598, § 5.1, 10-4-1982)

Sec. 6-192. - Guard animals.

It shall be unlawful to place or maintain any animal which has been specifically trained to attack, in any area for the protection of person or property, unless the animal is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard animal is confined must be conspicuously posted with warning signs bearing letters not less than two inches high.

(Ord. No. 82-1598, § 5.2, 10-4-1982)

Sec. 6-193. - Dangerous wild animals.

A person may not own, harbor, or have custody or control of any "dangerous wild animal" (as defined by V.T.C.A., Health and Safety Code ch. 822, subch. E) for any purpose within the county, except as otherwise specifically permitted by state or federal law. A violation of this section is an offense punishable as a class C misdemeanor. A violation of this section may be enjoined by the county through an action in district court.

(Ord. No. 2001-1997, 10-16-2001; Ord. No. 2003-1302, 7-22-2003)

Secs. 6-194—6-220. - Reserved.

## **ARTICLE V. - IMPOUNDMENT<sup>8</sup>**

Sec. 6-221. - Animals owned or harbored in violation of chapter.

Animals owned or harbored in violation of this chapter, or any other ordinance or law of the state, shall be taken into custody by the animal control officer, or other designated official, and impounded. Unwanted animals shall be similarly impounded.

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<sup>7</sup> **State Law reference**— Dangerous dogs, V.T.C.A., [Health and Safety Code § 822.001](#) et seq.

<sup>8</sup> **State Law reference**— Dog and cat sterilization required before releasing animal, V.T.C.A., [Health and Safety Code § 828.001](#) et seq.

(Ord. No. 82-1598, § 6.1, 10-4-1982)

Sec. 6-222. - Animal shelter.

A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this chapter. Such shelter shall be constructed in accordance with recommendation from the state department of health. In lieu of constructing a shelter, the county may contract with any licensed veterinarian or a governmental entity to provide this service for a fee mutually agreed upon and renewed on an annual basis, or may contracted with any chartered humane society organization having a suitable facility within the county that has been approved by the state department of health.

(Ord. No. 82-1598, § 6.2, 10-4-1982)

Sec. 6-223. - Disposition of impounded animals.

As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be give to him. Any impounded animal may be redeemed upon payment of the care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the commissioners court, or the animal control officer may humanely euthanize the animal or release the animal to a recognized research institution.

(Ord. No. 82-1598, § 6.3, 10-4-1982)

Sec. 6-224. - Disposition of diseased animals.

Any animal impounded by the animal control officer, except those animals which have inflicted human bites during the preceding ten days and/or visibly affected with any sign of communicable disease other than rabies, may instead of being impounded be humanely destroyed, provided that any animal which has inflicted any human or animal bite during the preceding ten days have its head removed by the animal control officer and sent to the laboratory for rabies examination.

(Ord. No. 82-1598, § 6.4, 10-4-1982)