FORT BEND COUNTY

RULES TO CONTROL RABIES AND ANIMAL CONTROL REGULATIONS

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ORDER ESTABLISHING FORT BEND COUNTY RULES TO CONTROL RABIES AND ANIMAL CONTROL REGULATIONS

STATE OF TEXAS §
COUNTY OF FORT BEND §

On this the 25th day of June 2002, the Commissioners Court of Fort Bend County, sitting as the governing body of Fort Bend County, Texas, being duly convened at a regular meeting of the Court, a quorum being present, upon motion of Commissioner Meyers and seconded by Commissioner Stavinoha, duly put and unanimously carried, the following was adopted:

WHEREAS, under the provisions of the "Rabies Control Act of 1981," codified as Article 4477-6a of Vernon's Texas Civil Statutes, the Commissioners Court of any county of this State is authorized to adopt rules which establish local rabies control programs and set local standards which are compatible with and equal to or more stringent than the program established by the Rabies Control Act of 1981 and the rules adopted by the Texas Board of Health, including but not limited to rules which require the registration and/or restraint of each dog and cat found within the County; and,

WHEREAS, it is in the best interest of the people and animals of Fort Bend County to amend said Ordinance of September 8, 1986 as amended on October 10, 1995 and to adopt the following provisions; and,

WHEREAS, notice of the public hearing concerning the proposed rules was duly given to all persons concerned; and

WHEREAS, after a full and complete public hearing concerning the proposed rules, the Commissioners Court of Fort Bend County, Texas is of the opinion and hereby affirmatively finds, determines and declares that the following rules should be adopted;

Therefore, it is ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Fort Bend County, Texas, that the following rules be and are hereby adopted.

Section I – Definitions

For the purpose of this Order, certain terms and words are hereby defined. Words used in the present tense include the future; the 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," and "licensed Veterinarian," 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.

A. **Animal Control Officer** – person educated in the care, seizure, custody and confinement of animals or his agent as employed by the Fort Bend County Animal Control Department to enforce these rules.

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

C. **Certificate** – shall mean a certificate issued at the time of the vaccination of the dog or cat, and bearing thereon the signature of the vaccinator, the registration number, the name, color, breed and sex of the dog or cat, the name and address of the owner, the date of the vaccination, type of vaccination, and type of vaccine administered.

D. **County Health Authority** – the duly appointed County Health Authority for the purpose of these regulations shall be the Fort Bend County Animal Control Director, or any person, persons or agent employed thereby to enforce these regulations, hereinafter referred to as "Animal Control."

E. **County Health Officer** – a licensed physician duly appointed by Commissioners Court

F. **Dangerous Dog** – any dog which has attacked and inflicted serious injury on a person, or has bitten a person and which endangers the safety of persons and property.

G **Exposed to Rabies** – any dog or cat whether it has been registered or vaccinated for rabies or any other animal which has been bitten, been fighting with or has consorted with an animal known or suspected to have rabies or showing objective and/or clinical signs of rabies.

H. **Euthanize** – to put to death in a humane manner.

I. **Harboring** – the act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care.

J. **Impound** – the apprehending, catching, trapping, netting, tranquilizing, confining, or if necessary, the destruction of any animal by the County Health Authority.

K. **Impounding of Facility** – means any premises designated by Fort Bend County for the purpose of impounding and caring for all animals found in violation of this Order.

L. **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/head of household of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns daily for a period of ten (10) 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 term harboring, sheltering or keeping, to be 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 Order, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog or cat or animal for the purpose of this Order and under this Order shall be responsible as the owner, whether such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this Order.

M. **Rabies Vaccination** – shall mean the vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the Texas Department of Health and administrated by a Veterinarian licensed by the State of Texas at intervals required by state statute.

N. **Registration** – means registered with the Fort Bend Animal Control Department as required by Section V herein.

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

(1) When it is controlled by a line or leash not more than six (6) feet in length, which said line or leash is held by a human being who is capable of controlling or governing the dog or cat in question.

(2) When it is within a vehicle.

(3) When it is on the premises of the owner and/or keeper, provided that said animal does not have access to a sidewalk or street.

P. **Running at Large** – shall pertain to an animal off of the premises of the owner, with the consent or acquiescence of same, or by reason of owners' negligence and not under the physical (cord, leash, chain or confinement). An animal intruding upon the property of another person other than the owner shall be termed "running at large." An animal within the automobile of its owner shall not be deemed "running at large."

Q. **Wild Animals** – shall include all species of animals which exist in a natural unconfined state and are usually not domesticated.

Section II – Local Health Authority

A. Fort Bend County Animal Control Director is hereby designated as the local health authority for the purposes of these rules.

B. The Local Health Authority shall have the duty to enforce:

(1) The Rabies Control Act of 1981 (Article 4477-6a Vernon's Texas Civil Statutes),

(2) The rules of the Texas Board of Health, which comprise the minimum standards for rabies control;

(3) The Fort Bend County rules to control rabies adopted herein, and

(4) The rules adopted by the Texas Board of Health under the area quarantine provisions of the Rabies Control Act of 1981.

Section III – Restraint and Impoundment

A. All dogs and cats shall be kept under restraint.

B Every dangerous dog or cat, as determined by the Animal Control, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. (See also Section VIII - Dangerous Dogs)

C. The owner of every dog or cat shall be held responsible for any behavior of a dog or cat under the provisions of these rules.

D. It shall be the duty of Animal Control, and other persons designated by said officer, to catch, confine and/or impound the following:

(1) All stray dogs and cats whether vaccination tag and registration tag are displayed or not. For the purpose of this provision "stray animal" is defined as any animal for which there is not identifiable owner or harborer and the animal is running free without restraint.

(2) Animals, domesticated, wild or stray, which have bitten or scratched a person and is suspected of having rabies or have been exposed to rabies.

E All animals picked up under this section shall be impounded in a public Animal Control Shelter.

F Animal Control or its authorized deputies shall have the right to enter private property, while in active pursuit of a stray or at large animal with the permission of the occupant or owner thereof or a valid court order so authorizing. Animal Control is further authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing any unregistered dog or cat staying 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.

G. Severely sick or injured animals may be humanely destroyed by Animal Control immediately, upon discretion of the Animal Control, to prevent further pain or suffering or spread of disease

H. Any person may take up and deliver to the Animal Control Officer any animal which the Animal Control Officer is, by the provisions of this Order, required to impound.

I. Each stray dog or cat is declared a public nuisance.

J. 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.

K. When dogs or cats are straying and their ownership is known to the Animal Control Officer or his deputy, such animals need not be impounded but the officer may, in his discretion, cite the

owners of such animals to appear in a Justice of the Peace Court to answer charges to violation of the rules.

L. Animal Control or its deputies, upon receiving any dog or cat, shall make a complete registry, entering therein the breed, color and sex of such animal and the place and time of taking it into custody. If tagged, he shall enter the name and address of the owner and the number of the vaccination and/or registration tag.

M. The owner of any registered impounded animal may redeem such animal during regular business hours of the Fort Bend County Animal Control Office prior to its sale or destruction by payment of fees that have heretofore or will hereafter be set by Commissioners Court.

N. The owner of any unregistered impounded animal may redeem such animal during regular business hours of the Fort Bend County Animal Control Office prior to its disposition or destruction by having such animal duly vaccinated against rabies, and registered, and;

(1) by payment of the $25.00 impounding fee and the $5.00 per day board fee for each day or portion of day such animal has been impounded, plus the cost of registration and vaccination for the first impoundment of said animal, during any twelve (12) month period of time immediately prior to such impoundment,

(2) by payment of the $50.00 impounding fee and the $10.00 per day board fee for each day or portion of day such animal has been impounded for the second impoundment of said animal, plus the cost of registration and vaccination, during any twelve (12) month period of time immediately prior to such impoundment, and ;

(3) by payment of the $75.00 impounding fee and the $15.00 per day board fee for each day or portion of day such animal has been impounded for the third and each subsequent impoundment of said animal, plus the cost of registration and vaccination, during any twelve (12) month period of time immediately prior to such impoundment.

Provided, however, upon presentation of proof by the owner that the impounded animal's vaccination is current and in compliance with these regulations, no additional vaccination will be required for release of the animal

O. It shall be the duty of Animal Control to keep all healthy unclaimed dogs and cats for a period of three (3) days or 72 hours. If, at the expiration of such period of time such dog or cat has not been claimed or redeemed by the owner, it shall be destroyed or disposed of as herein provided

P Animal Control shall be authorized to sell any animals impounded under the terms of this Order and not redeemed within three (3) days and to sell them for the best price that can be obtained, provided that the original owners entitled to the possession of any animal sold pursuant to this section shall be entitled to redeem said animal upon paying the purchaser not to exceed double the amount paid by him for the animal, plus an amount equal to three ($3.00) dollars for each calendar day or fraction thereof for the care and feeding of such dog or cat and all veterinary expenses incurred by the purchaser Any dog or cat not so redeemed within thirty (30) days from the date of sale shall become the absolute property of the purchaser.

Q. It shall be the duty of Animal Control to cause all animals impounded under these rules and not redeemed herein to be humanely destroyed as required by the Texas Department of Health.

R. No person shall interfere with, hinder or molest any Animal Control Officer or other party designated by Animal Control, 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.

S. It shall be unlawful for any person to remove any impounded animal from the Fort Bend County Animal Control Shelter without the consent of Animal Control or its designated official.

Section IV – Impounded Animals With Known Owners

When an animal is impounded at the Fort Bend County Animal Control Shelter and the ownership of the animal is known, either by registration tag or otherwise, Animal Control will notify the owner by delivery of a written notice to the owner's residency. In the event the owner is not present, Animal Control shall leave the notice posted at a visible location at the entrance of said residency. Such notice will inform the owner that Animal Control will impound the animal for seven (7) days from the date the animal was captured, and thereafter the animal will be placed for adoption. At the end of ten (10) days, if the animal is not redeemed, reclaimed or adopted, Animal Control will dispose of the animal in the same manner as a stray animal. The fee will be the same as in Section III, N. Provided, however, this provision shall not apply to animals quarantined for rabies as provided in these regulations.

Section V – Vaccinations

The owner of every dog or cat shall have the dog or cat vaccinated within one (1) year or the time prescribed by the Texas Board of Health (whichever is less) against rabies as required by the Rabies Control Act of 1981 (Article 4477-6a Vernon's Texas Civil Statutes) and the Rules of the Texas Board of Health and amendments thereto.

Section VI – Registration

A. It shall be unlawful for the owner to have, harbor or keep, or to cause to permit to be harbored, to be kept or allowed to become a stray, any unregistered dog or cat. Every owner of a dog or cat, upon presenting a vaccination certificate to Animal Control or its authorized representative showing that the dog's or cat's vaccination is current and in compliance with these regulations and upon presenting a payment of a fee of $5.00 shall be issued a numbered registration and a corresponding numbered registration tag. Registration shall be valid for twelve (12) months from the date of registering. Provided, however, upon presentation of proof of spaying or neutering of an animal to the Animal Control or its authorized representative, registration fee of such animal shall be $1 00 per year and an owner 65 years or older may also register his or her animal at a registration fee of $1.00 per year per animal.

B. the Office of Animal Control or such other places as may be designated by Animal Control shall be the place where persons owning, keeping, or having in their possession any dog or cat covered by this Order shall pay the registration fee provided for herein. Upon payment of such fee, it shall be the duty of Animal Control or its authorized agent to furnish the person paying the same a registration tag, upon which shall be a number, the fact of registering, and the year for which it was issued. Any veterinarian of the County may be issued a consecutively numbered book of registration receipts for registration provided herein. Such veterinarian shall deliver to the County Health Authority a copy of the receipt for each registration issued and account to Animal Control on a monthly basis for the registrations issued by him and remit on such monthly basis the fees collected by him to Animal Control.

C. In the event the registration tag is lost, a duplicate may be obtained from Animal Control upon presentation of a valid registration certificate and the payment of one ($1.00) dollar.

D. Animal Control shall keep in a manner prescribed by him a permanent record of all the registrations issued under the terms of this Order, which records shall show the name and

address of all persons being issued such registration tag, the number of registration tags issued, the date issued, the amount paid therefore, and the sex and description of the dog or cat. The records shall be kept for a sufficient length of time at the discretion of Animal Control.

E. The provisions herein requiring registration for dogs and cats shall not apply to the following:

(1) Any dog or cat under three (3) months of age, provided it is not vaccinated against rabies;

(2) Dogs or cats owned by nonresidents whose stay in this County will not exceed thirty (30) days provided such owner keeps his dog or cat restrained at all times while in the County;

(3) Any dog or cat brought into the County and entered in a show or exhibition, provided, this exception shall not be operative longer than the period of time commencing not more than seven (7) days before the time any such show or exhibition is held and ending not more than seven (7) days after the animal's participation in such show or exhibition; and

(4) Dogs and cats duly registered within a local municipality within the County.

Section VII – Rabies, Control and Quarantine

A. Every animal that is known to have rabies or symptoms thereof, every animal that has been exposed to rabies, and every animal that bites any person within the County shall be impounded at once and held under observation as required by Article 4477-6a Vernon's Texas Civil Statutes at a place so designated by the County Health Officer for such a period of time as he may deem necessary; provided, however, that such animal may be confined for observation in a veterinary hospital (clinic) approved by County Health Officer at the owner's expense for the same period of time as the animal would be confined for observation at the Fort Bend County Animal Control Shelter.

B. No animal that has rabies shall be allowed at any time on the streets, public roads, or other areas of the County. No animal that has been suspected of having rabies shall be allowed at any time on the public streets, roads, or other areas of the County until such animal has been released from observation by the Animal Control Officer.

C The owner, keeper or person in charge of any animal that has rabies or symptoms thereof, or that has been exposed to rabies, or that has bitten or scratched any person within the County shall, on demand, turn over such animal to Animal Control or his authorized deputies

D The body of any animal that has died of rabies shall not be disposed of except as directed by Animal Control. Animal Control shall check and record all cases of rabies and suspected rabies.

E. If the owner of the animal can display a valid rabies vaccination certificate issued within a twelve (12) month period next preceding the biting incident, such quarantine may be conducted on the premises of the owner. Provided that the animal shall be examined by a veterinarian and re-examined ten (10) days later.

F. It shall be the duty of Animal Control to kill and exterminate any and all wild animals and domestic animals at large when said wild animals or domestic animals are, or appear to be, infected with rabies; provided, that it shall not be necessary to impound such animals, but it shall be the duty of said Animal Control to kill and exterminate any and all such animals instantly; provided, however, that the officer killing such animal before disposing of same shall report it to

the County Health Officer, who shall make a record of the facts and order the disposal of the carcass as he deems necessary.

G. Every veterinarian or other person who is called to examine or professionally attend any animal in Fort Bend County suspected of having rabies or other zoonotic disease, shall, within twenty-four (24) hours thereafter, report to Animal Control the following facts: (1) a statement of the location of such diseased animal; (2) the name and address of the owner thereof; and (3) the type and character of the disease.

Section VIII – Dangerous Dogs

A. Dangerous Dogs **(This chapter has been taken from the Texas Health and Safety Code, Chapter 822, Subchapter D)**

Definitions

In this subsection:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person

(3) "Dog" means a domesticated animal that is a member of the canine family

(4) "Secure enclosure" means a fenced area or structure that is:

(A) locked;
(B) capable of preventing the entry of the general public, including children;
(C) capable of preventing the escape or release of a dog;
(D) clearly marked as containing a dangerous dog; and
(E) in conformance with the requirements for enclosures established by the local animal control authority.

(5) "Owner" means a person who owns or has custody or control of the dog.

Requirements for Owner of Dangerous Dog

(A) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1) register the dangerous dog with the animal control authority for the area in which the dog is kept;

(2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept, and

(4) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(B) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.

(C) If, on application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided by Section 822.0423, that the owner of a dangerous dog has failed to comply with Subsection (a) or (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(D) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality or county may prescribe the amount of the fees.

(E) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

(F) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog

(G) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) the owner knows of an attack

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog, or

(3) the owner is informed by the animal control authority that the dog is a dangerous dog.

Determination That Dog is Dangerous

(A) If a person reports an incident, the animal control authority may investigate the incident If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

(B) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction. An owner may appeal the decision of the justice, county, or municipal court in the same manner as appeal for other cases from the justice, county, or municipal court.

Reporting of Incident in Certain Counties and Municipalities

(A) This section applies only to a county with a population of more than 2,800,000, to a county in which the commissioners court has entered an order electing to be governed by this section, and to a municipality in which the governing body has adopted an ordinance electing to be governed by this section.

(B) A person may report an incident described by Section 822.041(2) to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(C) If the owner fails to deliver the dog as required, the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(D) The court shall determine, after notice and hearing as provided in, whether the dog is a dangerous dog.

(E) The court, after determining that the dog is a dangerous dog, may order the animal control authority to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog and the dog is returned to the owner or destroyed.

(F) The owner shall pay a cost or fee.

Hearing

(A) The court, on receiving a report of an incident shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.

(B) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the dog or the person from whom the dog was seized; and
(2) the person who made the complaint.

(C) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(D) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner provided for the appeal of cases from the municipal, justice, or county court.

Registration

(A) An animal control authority for the area in which the dog is kept shall annually register a dangerous dog if the owner:

(1) presents proof of:
(a) liability insurance or financial responsibility, as required;

(B) current rabies vaccination of the dangerous dog; and

(C) the secure enclosure in which the dangerous dog will be kept; and
(2) pays an annual registration fee of $50.

(b) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of $25, the animal control authority shall issue a new registration tag to be placed on the dangerous dog's collar.

(d) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

Attack by Dangerous Dog

A) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(B) An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor

(C) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed. (d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed $10,000. An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

Violations

(A) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with the county regulation relating to dangerous dogs.

(B) Except as provided by, an offense under this section is a Class C misdemeanor.

(C) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

Defense

(A) It is a defense to prosecution that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(B) It is a defense to prosecution that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(C) It is a defense to prosecution that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes).

Local Regulation of Dangerous Dogs

A local municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions.

(1) are not specific to one breed or several breeds of dogs; and
(2) are more stringent than restrictions provided by this subsection.

Section IX – Dogs that are a Danger to Persons

Definitions

In this Subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area in which the dog is kept or the county sheriff in an area that does not have an animal control office

(2) "Serious bodily injury" means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment

Seizure of a Dog Causing Death of or Serious Bodily Injury to A Person

(A) A justice court, county court, or municipal court shall order the animal control authority to seize a dog and shall issue a warrant authorizing the seizure:

(1) on the sworn complaint of any person, including the county attorney, the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and

(2) on a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.

(B) The animal control authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

Hearing

(A) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(B) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the dog or the person from whom the dog was seized; and

(2) the person who made the complaint.

(C) Any interested party, including the county attorney or city attorney, is entitled to present evidence at the hearing.

(D) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

(1) its owner;

(2) the person from whom the dog was seized; or

(3) any other person authorized to take possession of the dog.

(E) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person If that finding is not made, the court shall order the dog released to:

(1) its owner;

(2) the person from whom the dog was seized; or

(3) any other person authorized to take possession of the dog.

(F) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person and

(1) the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

(A) the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog, and

(B) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(2) the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and

the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(3) the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

(4) the dog was defending a person from an assault or person's property from damage or theft by the injured person; or

(5) the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

Destruction of Dog

The destruction of a dog under this subchapter must be performed by:

(1) a licensed veterinarian,

(2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

Provocation or Location of Attack Irrelevant

Except as provided by Section VIII this section applies to any dog that causes a person's death or serious bodily

injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the

incident resulting in the person's death or serious bodily injury occurred.

Section X. Order Prohibiting the Keeping of Wild Animals

WHEREAS, this Order is adopted in accordance with Local Government Code Section 240.002, as amended;

WHEREAS, this Order applies in the unincorporated areas of the county;

WHEREAS, the Court finds that certain non-domestic animals pose a danger both to the residents and to the domestic animals in Fort Bend County,

IT IS HEREBY ORDERED by the Commissioners Court of Fort Bend County that the keeping of the following wild animals is prohibited in Fort Bend County

Lions, tigers, ocelots, cougars, leopards, cheetah, jaquars, bobcats, lynx, servals, caracels, hyenas, bears, coyotes, jackals, baboons, chimpanzees, orangutans, gorillas, and hybrids of these animals.

A person who harbors or keeps in Fort Bend County an animal prohibited by this Order commits an offense. An offense is a Class C misdemeanor. The County Attorney or another attorney representing the County may file an action to enjoin a violation or a threatened violation of this Order.

Section XI – Penalties and Procedure

A. Whenever it appears that a violation of any provision of these rules established by the Order of the Commissioners Court of Fort Bend County has occurred, the person violating same shall be guilty of a Class C misdemeanor and shall upon conviction be punished by fine not to exceed two hundred ($200.00) dollars and no/100. Each day that such violation continues shall constitute a separate offense.

B. It shall be the duty of the Animal Control Officer or his agent to file a complaint with accompanying affidavit against any person in violation of the provisions stated herein with the appropriate Justice of the Peace If offender shall fail to show appearance in the Justice of the Peace Court of his Precinct, a warrant for his arrest may be issued and served.

C. In the alternative, upon accompanying sworn affidavits, the attorney representing the County may file an action to enjoin the violation(s) of the provisions of these rules as adopted herein without further authority of Commissioners Court.

Section XII – Effective Date

These rules shall become of full force and effect on the _____ day of _____, 2002, and shall remain in effect until amended or rescinded by the Commissioners Court after a public hearing concerning the proposed amendment or rescission.

Section XIII – Severability

In the event any section, paragraph, sentence or word of these rules shall be held invalid, such invalidity shall not affect the remaining sections, paragraphs, sentences or words of these rules.

Section XIV – Construction

These rules are adopted pursuant to the authority of the "Rabies Control Act of 1981," codified as 4477-6a of Vernon's Texas Civil Statutes, and are cumulative with and not in lieu of said Act. In the event of conflict between these rules and the "Rabies Control Act of 1981," said Act shall control.

RECORDED ON 7-8-02
IN THE COMMISSIONER COURT
MINUTES OF 6-25-02.

SIGNED this 25th day of June, 2002

FORT BEND COUNTY, TEXAS

BY: _____
James C. Adolphus
County Judge

ATTEST:

_____
Dianne Wilson
County Clerk