

ORDER OR02-07

DATE: 6-10-07

At a regular meeting of **Commissioners Court** of Parker County, Texas, held on the 10<sup>th</sup> day of June 2002, on motion made by:

Commissioner Charles Akin

And seconded by:

Commissioner Danny Choate

The following **ORDER** was adopted.

**THE COMMISSIONERS COURT**  
**OF**  
**PARKER COUNTY, TEXAS**

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**ORDER 02-07**

**WHEREAS**, on the 10<sup>th</sup> day of June, 2002, the Commissioners Court of Parker County, Texas, in regular meeting, considered the following matter:

Repeal, amendment, modification, and adoption of newly written animal control order for the unincorporated areas of Parker County.

**AND** having considered said matter, finds:

1. The original animal control ordinance of Parker County, Texas, requires amendment in order to provide the fullest measure of enforceable protection for public safety and health.
2. That a new county animal control ordinance should be adopted that adequately addresses rabies control, impoundment, quarantine, control of dangerous animals, reduces incidents of animal bite of humans and other animals and provides protection of the public from unnecessary risk due to lack of adequate control of animals in the unincorporated areas of Parker County, Texas.
3. That it is in the public interest that this Commissioners Court adopt and order into effect the written animal control regulations set out hereinafter.

**NOW, THEREFORE, IT IS ORDERED** that the following provisions are approved, adopted and immediately effective within the County of Parker of the State of Texas, to wit:

## ANIMAL CONTROL REGULATIONS

### **Chapter 1    GENERAL MATTERS:**

#### **Section 1.1    Authority:**

These regulations are adopted as authorized by Chapters 822 and 826 of the Texas Health and Safety Code and Supchapter A of Chapter 240 of the Texas Local Government Code.

#### **Section 1.2    Citation of these regulations:**

This order is designated as the "Animal Control Regulations" of Parker County, Texas and may be so cited.

#### **Section 1.3    Definitions and Rules of Construction:**

(a) In the construction of this order, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the Commissioners Court or the context requires otherwise.

- (1) *Animal:* Whenever the term "animal" is used in this order it shall mean a warm blooded animal other than a bird, unless the context expressly states otherwise.
- (2) *Animal control authority:* "Animal control authority" means the Sheriff of Parker County, Texas.
- (3) *Animal control officer:* "Animal control officer" means any person designated by the Sheriff of Parker County to perform the duties of animal control and rabies control and who is an employee of the Sheriff and includes the Sheriff.
- (4) *Bite:* "Bite" means any abrasion, scratch, puncture, tear, or piercing of the skin caused by an animal.
- (5) *Bodily injury:* "Bodily injury" means physical pain, injury, illness, or an impairment of physical condition.
- (6) *Cat:* "Cat" means *Felis catus*, a domesticated feline.
- (7) *Commissioners court:* Whenever the term "Commissioners Court" is used in this order, it shall mean and refer to the Commissioners Court of Parker

County, Texas.

- (8) *County*: Whenever the term "county" is used in this order, it shall mean and refer to Parker County, a political subdivision of the State of Texas.
- (9) *Gender*: A word importing only the masculine or the feminine gender shall extend and be applied to and include the opposite gender and the neuter.
- (10) *Dangerous Dog*:

"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.

- (11) *Dangerous wild animal*: "Dangerous wild animal" means:

- (A) a lion;
- (B) a tiger;
- (C) an ocelot;
- (D) a cougar;
- (E) a leopard;
- (F) a cheetah;
- (G) a jaguar;
- (H) a bobcat;
- (I) a lynx;
- (J) a serval;
- (K) a caracal;
- (L) a hyena;
- (M) a bear;
- (N) a coyote;
- (O) a jackal;
- (P) a baboon;
- (Q) a chimpanzee;
- (R) an orangutan;

- (S) a gorilla;
- (T) a wolf;
- (U) a lesser panda;
- (V) a fox;
- (W) an ape;
- (X) a binturong;
- (Y) an elephant;
- (Z) a rhinoceros;
- (AA) a racoon;
- (BB) a skunk;
- (CC) a bat or
- (DD) any hybrid of an animal listed in this definition.

- (12) *Dog*: "Dog" means *Canis familiaris*, a domesticated canine.
- (13) *Harbor*: "Harbor" means to intentionally or knowingly provide shelter, food, or water, on the provider's property, and includes giving encouragement in any form to an animal to remain on, habitat, or frequently visit the property of the harboring person. The frequent presence of an animal upon the property of a person without interference for a period of ten days or more gives rise to a rebuttable presumption that the animal is being harbored. In addition to all other forms of harboring, the refusal or attempted prevention by a land owner to permit the entry of an animal control officer onto the property of the owner to seize and impound an animal constitutes an act of harboring the animal. It is a defense to an accusation of harboring that the accused person attempted by overt act to remove the animal from the property or reported the animal to the animal control authority.
- (14) *Licensed Veterinarian*: "Licensed veterinarian" means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states of the United States of America.
- (15) *Livestock*: "Livestock" means an animal raised for human consumption or an equine animal.
- (16) *Local Rabies Control Authority*: The "local rabies control authority" for the county shall be the same official designated as the county animal control authority by this Court. The local rabies authority for the county is the Sheriff of the county.
- (17) *Low Risk Animal*: The term "low risk animal" means a warm blooded mammal that has a low risk of carrying the rabies disease as determined by

the State Health Department or State Board of Health and includes gerbils, guinea pigs, all rodents and rabbits, gerbils, guinea pigs, shrews, prairie dogs, beavers, gophers, nutria, squirrels, hamsters, opossums, and armadillos.

- (18) *Owner*: "Owner" means any individual, corporation, association, partnership, or other legal entity that owns or has the right of property in an animal, or has possession, custody or control of an animal or who harbors an animal.
- (19) *Possession*: "Possession" means actual care, custody, control or management, whether lawful or not.
- (20) *Quarantine*: "Quarantine" means strict confinement of an animal specified in an order of the Texas Board of Health or its designee:
- (A) on the private premises of the animal's owner or at a facility approved by the Texas Board of Health or its designee; and
  - (B) under restraint by closed cage or padlock or in any other manner approved by a rule of the Texas Board of Health.
- (21) *Restraint*: An animal shall be deemed under restraint if it is:
- (1) Tied or chained in such a way as to prevent it from leaving the owner's premises and from being within 50 feet of any public right of way subject to the special restrictions on tethering set out in Section 5.3 of this order.
  - (2) Totally enclosed in a fence constructed in such a way as to prevent it from leaving the owner's premises. The use of a wireless fence that transmits either a high frequency sound or a pulse stimulus shock does not constitute restraint within the meaning of this order. The use of any sort of fencing that transmits an electric shock shall not constitute restraint within the meaning of this order; or
  - (3) Leashed and accompanied by a responsible person who is able to control the animal with a leash.

In the event the animal is required to be quarantined or is a dangerous animal, dangerous wild animal or a dangerous dog as defined by this order, the more restrictive provisions of this order concerning such matters shall apply and the foregoing definition of restraint is modified by said more restrictive provisions.

(22) *Secure enclosure:*

"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.

(23) *Serious bodily injury:* "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. In addition it means any form of injury that creates a substantial risk of death, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, or that causes any such condition.

(24) *Stray:* "Stray" means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

(25) *Vehicle:* The term "vehicle" includes all forms of motor vehicle, bicycles, skate boards, roller blades, roller skates, wagons, carts, trailers, and any other constructed or manufactured device utilized for carrying and moving property or persons along public right of ways.

**Section 1.4 Area:**

The provisions of this order concerning rabies control apply in all areas of the county except within the limits of any incorporated municipality that has adopted ordinances or rules that establish a local rabies control program in the municipality equal to or more stringent than the rabies control regulations set out in this order.

The provisions of this order concerning dangerous wild animals apply in all areas of the

county except inside the limits of any incorporated municipality.

The provisions of this order concerning dangerous dogs apply in the area of the county that lies outside the limits of any incorporated municipality.

**Section 1.5 Severability:**

If any part of this order is held invalid by a court of competent jurisdiction, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this order.

**Section 1.6 Amendments:**

Amendments to this order may be made from time to time by order of the Commissioners Court. Amendments by the state legislature of statutes adopted by this order and by the State Board of Health of rules and regulations of said department adopted by this order shall constitute amendments of this order except in any instance in which the Commissioners Court has adopted a more restrictive provision in this order or in any order of the Commissioners Court that amends this order; in which instance, the more restrictive Commissioners Court regulation shall apply.

**Chapter 2 ANIMAL CONTROL AUTHORITY OF PARKER COUNTY**

**Section 2.1 Designation of County Animal Control Authority and County Rabies Control Authority:**

The Sheriff of Parker County is the local animal control authority and the local rabies control authority of the county.

**Section 2.2 Animal Control Officers:**

The Sheriff may assign one or more of the employees of his department to enforce the provisions of this order as he determines appropriate, and may designate such county owned property as is under his supervision to be used for such purpose. The Sheriff and the employees of the Sheriff designated to enforce this order shall constitute the county animal control officers and the county rabies control officers. The term animal control officer is deemed inclusive of the term local rabies control officer. All animal control officers of the county shall function under the supervision and management of the Sheriff.

**Section 2.3 Budget**

It shall be the duty of the county animal control authority to prepare and submit to the budget officers of the county a proposed or requested budget each year for county animal and rabies

control in the same manner and within the same time period as such requests are presented by other county governmental departments.

**Section 2.4 Duties**

It shall be the duty of the animal and rabies control authority to:

- (1) Enforce the provisions of Chapter 826 of the Texas Health and Safety Code;
- (2) Enforce the rules adopted by the Texas Board of Health that compromise the minimum standards for rabies control;
- (3) Enforce the provisions and regulations set out in this order;
- (4) Enforce the rules adopted by the Texas Board of Health concerning rabies quarantine;
- (5) Supervise and manage animal impoundment, adoption and sterilization procedures provided for by this order;
- (6) Supervise and manage procedures concerning dangerous animals and dogs and animals or dogs that cause injury to humans as are imposed by statute, State Board of Health rule, or this order.
- (7) Supervise and manage the county dog, cat and animal euthanasia program provided for by this order;
- (8) Maintain records as necessary for the enforcement of this order and as are necessary for the enforcement of rules of the Texas Board of Health and state statutes concerning the control of rabies and the control of dangerous animals; and
- (9) Enforce statutory law concerning the registration, confinement, impoundment and destruction of dangerous dogs under these regulations and Subchapters A and D of Chapter 822 of the Texas Health and Safety Code.
- (10) Perform such other duties as may be imposed by statute, administrative rules of the Texas Board of Health or lawful order of this Court or as assigned by the Sheriff.

**Section 2.5 Humane treatment:**

This provision shall apply to all animal control authority encounters with animals that are mammals, reptiles, amphibians, and birds.

All animals dealt with by the county animal control authority and county animal control officers shall be treated in a humane manner, provided that in any situation in which human safety is at immediate risk as the result of circumstances caused by the behavior of an animal or in any situation in which there is good reason to believe an animal presents an immediate danger to the physical safety of any person or to the public, the animal control authority shall give priority to the safety of the human or public, and may act in any reasonable manner consistent with law to protect the human who is at risk, or if the animal presents a risk to the public, to protect the general public. No employee of the county animal control authority engaged in enforcement of this order is required to place himself in a situation of danger from animal attack and may use such force as may be reasonably necessary against an animal to protect himself and others and to enforce the provisions of this order.

**Section 2.6 Records:**

All records maintained by the county animal control authority are deemed public records and shall be subject to disclosure as required by Subchapter D, Chapter 552 of the Texas Government Code, except as otherwise provided by law. (See Section 826.0211 of the Texas Health and Safety Code)

**Chapter 3 RABIES CONTROL**

**Section 3.1 Minimum Standards:**

Except as otherwise superceded by the provisions of this order, the minimum standards and procedures provided for control of rabies by Chapter 826 of the Texas Government Code and by the rules of the Texas Board of Health are adopted for the county.

**Section 3.2 Vaccination:**

- (a) Every owner of a dog or cat shall have such animal vaccinated against rabies by the time the animal is three months of age. All dogs and cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter.
- (b) Any person moving into the county from a location outside the county who brings into the county a dog or cat that has not been vaccinated or revaccinated so as to be in compliance with the above rabies vaccination requirement shall comply with this regulation within ten days after moving into the county. If the dog or cat has inflicted a bite to any person or other animal before being vaccinated or revaccinated, the owner of the dog or cat shall immediately report such fact to any veterinarian treating the dog or cat and to the animal control authority. The quarantine provisions of this order shall apply to the dog or cat that made the bite and no rabies vaccine shall be administered until after the quarantine observation period.