

HOOD COUNTY ANIMAL RESTRAINT AND RABIES CONTROL ORDER

Section I. **PURPOSE**

In addition to the Health and Safety Code, the Texas Administrative Code, and the Texas Penal Code, this is an Order relating to the restraining, confinement, and destruction of animals. Authority for this Order is derived from the Rabies Control Act (Chapter 826 Health and Safety Code.)

THE PURPOSE IS TO ESTABLISH A COUNTYWIDE PROGRAM TO RESTRAIN ANIMALS, PORTRAY THE OWNER AS THE RESPONSIBLE PARTY FOR THEIR ANIMALS AND TO AND ERADICATE RABIES IN HOOD COUNTY.

The staff of Hood County Animal Control, shall be the designated code enforcers under the authorization of the Commissioners Court of Hood County, and shall administer this program. (Section 826.014 Health & Safety Code)

Section II. **DEFINITIONS**

For the purposes of this Order, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number include 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.

- A. "The Act" shall mean Rabies Control Act of 1981 (Art.4477-6a, V.A.C.S.)
- B. "Animal" means a warm-blooded animal (Health & Safety Code 826.002) Certain species and breeds are categorized under separate governmental entities (i.e. Texas Department of Parks and Wildlife, Hood County Sheriff's Department, Brazos River Authority, and Hood County Animal Control.) Decisions will be made according to Standard Operating Procedures or on a case to case basis as to which department will respond to each animal complaint.
 - 1.) "Domestic Animal" shall mean all species of animals commonly accepted as domesticated by man so as to live and breed in a tame condition.
 - 2.) "Feral Animal" shall mean all species of animals commonly accepted as domesticated by man so as to live and breed in a tame condition, yet has returned to an untamed state.
- C. "Animal Control Authority" shall mean the persons who have been designated and authorized by Commissioners Court to enforce the laws set forth in this Order.
- D. "Animal Shelter" shall mean the Hood County Animal Facility or agents for the purpose of impounding or caring for animals held under the authority of this Order or state law.

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- E. "At Large" shall mean any animal that is off the premises of its owner's real property and not restrained by a competent person.
- F. "Bite" shall mean any abrasion, scratch, puncture, tear or piercing of skin actually or suspected of being caused by an animal.
- G. "Cat" shall mean all domestic or feral species or varieties of the felis catus, male or female, alive or dead.
- I. "Competent Person" shall mean a human being that is capable of controlling and governing the animal in question and to whose commands the animal is obedient.
- J. "Confined or Confinement" shall mean securely held within a building, home or a fenced premises, so that the animal cannot escape from said secured area without human assistance.
- K. "County" shall mean Hood County, Texas.
- L. "Currently Vaccinated" shall mean that the animal must be in compliance with the laws of the State of Texas concerning Rabies Vaccination requirements.
- M. "Dog" shall mean all domestic or feral members of the canis familiaris, male or female, alive or dead.
- N. "Exposed to rabies" shall mean any person or animal (whether it has been vaccinated for rabies or not,) which has been bitten, has been fighting with or has had salivary contact with an animal known or suspected to have rabies or showing objective symptoms of rabies.
- O. "Humane manner" shall mean the care of an animal to include, but not be limited to, adequate heat, space, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- P. "Impound" shall mean the apprehending, catching, trapping, netting, tranquilizing, confining, or, if necessary, the destruction of any animal by the Animal Control Authority
- Q. "Impounding Facility" shall mean any premises designated by the Commissioners Court for the purpose of impounding and caring for all animals found in violation of this Order.
- R. "Isolation" shall mean kept separated and protected from all other animals and humans.

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- S. "Livestock" (Livestock Laws of the State of Texas, Art. 4.02 "Meaning of Estray") shall mean horse, stallion, mare, gelding, filly, colt, mule hinny, jack, jennet, hog, sheep, goat, and any species of cattle, exotic livestock or exotic fowl.
- T. "Owner" shall mean any person who owns, harbors, shelters, keeps and controls, manages, possesses, or has part interest in any animal. (Except for animals appearing under the definition of livestock.)

The occupant of any premises on which an animal remains for a period of 5 days or to which it customarily returns daily for a period of 5 days is presumed to be harboring, sheltering or keeping the aforementioned animal 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 an animal subject to the provisions of this Section, the head of the household of which such minor owner is a member, shall be deemed to be the owner of such animal for the purpose of this Section and under this Section shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such a minor owner shall himself be directly subject to the provisions of this Section.

- U. "Person" shall mean any individual, partnership, firm, public or private corporation, association, trust or estate.
- V. "Restraint" shall mean that the animal shall be confined within the real property limits of its owner or with a competent person, secured by a leash or lead at all times if the animal is not within the property limits of its owner.
- W. "Shelter" shall mean a stable protection from inclement weather conditions.
- X. "Stray" shall mean any domestic animal that has an enclosure, or its proper place, and wanders at large, or is lost.
- Y. "Vaccination" shall mean properly injected with rabies vaccine licensed for use in that species by the United States Department of Agriculture, which injection has been administered by or under the direct supervision of a veterinarian who is licensed to practice in this state.
- Z. "Veterinarian" shall mean a doctor of Veterinary Medicine who holds a valid license to practice his profession in the state of Texas..

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SECTION III. RABIES

- A. When a dog or cat, which has bitten or scratched a human, has been identified, the owner will be required to place the animal in quarantine. The 240-hour observation period will begin on the day of the bite incident. The animal must be placed at a veterinary facility licensed for quarantine, at the Hood County Animal Control Facility, or in another licensed quarantine facility with the approval of the Local Rabies Control Authority.
- B. Every veterinarian, animal control officer or other person who is called to examine or professionally attend any animal in Hood County suspected of having rabies or other zoonotic diseases, shall within 24 hours thereafter, report to the Commissioner's Court 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 IV. RESTRAINT OF DOMESTIC DOGS

- A. Domestic dogs shall be kept under restraint. No owner shall fail to exercise proper care and control of his/her domestic dog in order to prevent them from becoming a public safety issue or a public nuisance, and the owner of every animal shall be held responsible for every action of such animal under the provisions of this Order and Texas Law.
- B. If an owner of property has no secured fence as to prevent a domestic dog from escape, the owner shall be responsible for restraining his/her dog to his/her property.
- C. In the case of a dog being used for hunting, the dog must be restrained by leash or lead when not on the property owned by its owner or other competent person having control of said dog has written permission to hunt, until actual hunting begins.

SECTION V. IMPOUNDMENT

- A. It shall be the duty of the Animal Control Authority to investigate domestic animals that are at large. Impoundment will be diligently attempted under the following management:
 - (1) All dogs, cats or other animals infected or suspected of being infected with rabies, including animals known to have been bitten by a rabid animal, whether the animal to be impounded is running at large, on a leash, or confined to its owner's premises;
 - (2) Animals, which have bitten a person.

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- B. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.
- C. An animal that has been impounded for running at large (excluding livestock) will be held for 72 hours, (unless the animal is unhealthy as to spread disease or becomes aggressive) to give the owner time for reclamation.
- D. At 72 hours of impoundment, if the animal has not been claimed, it then becomes the property of Hood County Animal Control.

SECTION VI. RELEASING OR DUMPING OF ANIMALS

- A. No person shall dump, release or abandon any domesticated or wild animal on any property, whether public or private, within Hood County. (See Section II & Section XVIII for definition.)
- B. Any person who keeps, harbors, feeds, shelters, or otherwise allows any stray animal (excluding livestock) to remain on his property for 5 days or more without notifying the Animal Control Authority, shall hereby be deemed the owner of said animal.
- C. Hood County Animal Control Authority is not responsible for owned animals. An owner of an unwanted animal shall be responsible for the delivery of the animal to the Hood County Shelter.

SECTION VII. WILD ANIMALS

- 1. Wild animal shall mean a lion, a tiger, an ocelot, a cougar, a leopard, a cheetah, a jaguar, a bobcat, a lynx, a serval, a caracal, a hyena, a bear, a bat, a fox, a skunk, a raccoon, a coyote, a jackal, a baboon, a chimpanzee, an orangutan, a gorilla, a lesser panda, a binturong, a wolf, an ape, an elephant, a rhinoceros, or any hybrid of animal listed in this definition.
- 2. The keeping of a wild animal in the unincorporated area of this county is hereby prohibited, except as otherwise specifically permitted by state or federal law.

SECTION VIII. INTERFERENCE

A person commits an offense if he interferes with, hinders or molests any Animal Control Officer in the performance of duty delegated here under, or seeks to release any animal trapped or taken and held in custody under the provisions of this Order.

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SECTION XIX. PENALTIES

An offense under Sections III - VII is a Class C misdemeanor.

An offense under Section VIII is a Class B misdemeanor. (Penal Code 38.15)

SECTION X. DESTRUCTION OF ANIMALS

It is hereby made the responsibility and duty of the Animal Control Authority to destroy any and all animals at large when said animals are, or appear to be infected with rabies, or any other infectious, contagious, or dangerous disease, or when such animals are sick, injured, in great pain or in such condition as they may not be expected to live, or if such animals are considered by the officer to be vicious as to cause an immediate public safety issue to citizens or to him/herself if left unattended or if all other reasonable means of capture have been exhausted; provided that any animal suspected of rabies shall be killed in such a manner as not to damage the brain.

Hood County hereby has a zero tolerance for feral animals. Feral animals shall be claimed by Hood County Animal Control and become the property of Hood County upon impound.

SECTION XI. REMOVAL OF DEAD ANIMALS

Animal Control Authority shall be responsible for the removal of dead animals from county maintained and development roadways, which are causing a nuisance or traffic hazard. Animals that expire on private property shall be the responsibility of the property owner. (Developments and cities with interlocal agreements shall be governed by the agreement.)

SECTION XII. LIVESTOCK

When Hood County Animal Control receives a livestock complaint, the complaint shall be investigated according to the Livestock Standard Operating Procedure. If the Standard Operating Procedure proves that Hood County Animal Control will be in control of this complaint and impound is required, it will be done according to Standard Operating Procedures.

SECTION XIII. OFFICER SAFETY

Hood County Animal Control Officers shall have the authority to manage any dangerous or vicious animals as not to jeopardize the health and safety of the officer including, but not limited to the following:

- A. Requesting assistance from other Animal Control Officers.
- B. Requesting assistance from other Hood County agencies (i.e. Constables, Sheriff's Office, Game Warden, or Brazos River Authority.)
- C. Retreat until the animal can be more efficiently contained.
- D. Deadly force.

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SECTION XIV. STRAYS

Hood County Animal Control is not a patrolling service. Strays can be contained to a citizens property and a request may be made for a pick up from Animal Control or a citizen may call the Shelter to see if there is enough room if he/she chooses to deliver the stray animal.

SECTION XV. FEES

Health & Safety Code 826.033, 5, c, The enforcing agency may adopt an ordinance setting a fee for the impoundment and board of a dog or cat during the impoundment period. The animal's owner must pay the fee before the animal may be released.

(1.) Pay all fees accordingly:

IMPOUNDMENT: \$25.00 PER DAY

QUARANTINE FEES: \$150.00

If animals impounded or quarantined are not vaccinated a citation for Failure to Prove Vaccination, Failure to Vaccinate or Animal at Large may be issued.

Elective Euthanasia Fees: \$20.00 Per animal (excluding livestock)

Elective Euthanasia and Disposal \$30.00 Per animal (excluding livestock)

Rabies Testing \$80.00

Adoption \$10.00

SECTION XVI. SEVERABILITY

If any part of this Order shall be held invalid, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this Order.

SECTION XVII. APPLICABILITY

This Order shall be in full force and effect on January 9, 2006.

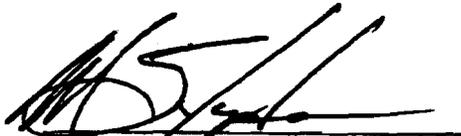
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SECTION XVIII. HEADINGS

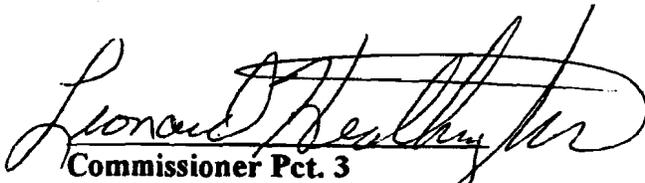
Titles and headings of the sections herein shall be read as part of the Sections and used in determining the meaning thereof.

The Commissioners Court of Hood County hereby approves this Order on this the 9th day of January 2006.


County Judge


Commissioner Pct. 1


Commissioner Pct. 2


Commissioner Pct. 3


Commissioner Pct. 4