

ARANSAS COUNTY ANIMAL CONTROL ORDER

ORDER NO. O-03-2024

AN ORDER OF THE COMMISSIONERS COURT OF ARANSAS COUNTY, TEXAS, TO ESTABLISH A RABIES CONTROL PROGRAM, REGULATE THE REGISTRATION AND RESTRAINT OF CERTAIN ANIMALS, DESIGNATE A LOCAL ANIMAL CONTROL AUTHORITY, REGULATE DANGEROUS DOGS, PROHIBIT DOGS RUNNING AT LARGE, PROHIBIT THE INHUMANE TREATMENT OF ANIMALS, AND PROVIDE PENALTIES PURSUANT TO CHAPTERS 821, 822, AND 826 OF THE TEXAS HEALTH & SAFETY CODE, AND THE ORDER HEREWITH.

WHEREAS, the Commissioners Court of Aransas County is authorized by Chapter 821 of the Texas Health & Safety Code to enact a local order relating to the unlawful restraint of dogs and to the treatment of animals; and

WHEREAS, the Commissioners Court of Aransas County is authorized by Chapter 822 of the Texas Health & Safety Code to enact a local order to regulate the registration and restraint of animals; and


WHEREAS, the Commissioners Court of Aransas County is authorized by The Rabies Control Act of 1981, specifically including the authority granted in Chapter 826 of the Texas Health & Safety Code, to enact a local order to require rabies vaccinations and other measures as a means to prevent the dangerous spread of rabies; and

WHEREAS, it is the intent of the Commissioners Court to enact a local order in an effort to protect the public health and safety of Aransas County residents and encourage the humane treatment of animals;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ARANSAS COUNTY, TEXAS, that the following provisions be adopted this 20th day of February 2024.



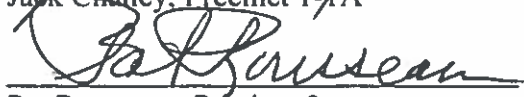
Ray Garza, County Judge



Jack Chaney, Precinct 1-1A




Leslie Casterline, Precinct 2



Pat Rousseau, Precinct 3



Bob Dupnik, Precinct 4-4A

ATTEST:


Misty Kimbrough, County Clerk



SECTION 1. INTENT AND AUTHORITY

Section 1.1 General Authority. These regulations are adopted by the Commissioners Court of Aransas County, Texas, acting in its official capacity as the governing body of Aransas County, Texas as authorized by Chapters 821, 822 and 826 of the Texas Health & Safety Code.

Section 1.2 Intent. It is the intent of the Commissioners Court of Aransas County, Texas to enact this Order to protect the public health and safety of the citizens of Aransas County. This Order is further intended to encourage the humane treatment of animals and prevent cruelty to animals including the prevention of the spread of rabies and other zoonotic diseases, reducing the risk of injury to people and animals from animals kept in Aransas County, Texas.

Section 1.3 Strict Liability. Unless otherwise indicated, any person who violates a section of this Order shall be strictly liable for such violation and shall be subject to the penalties herein established.

Section 1.4 Municipal Ordinances to Supersede. This Order shall not prevent a corporate municipality within the county from establishing any rules and regulations to control animals within its corporate limits. Any such ordinance established by said corporate municipalities shall supersede this Order thereby preventing dual enforcement. In such cases, this Order will not be enforced within the corporate limits of the municipality. These rules and regulations shall apply to incorporated cities and towns that adopt these regulations and execute cooperative agreements with Aransas County for their enforcement.

SECTION 2. DEFINITIONS

As used in this Order, the following words and phrases shall have the following meanings:

Section 2.1 Animal Control Authority. The Aransas County Animal Care Services. The terms "Animal Control Authority", "Animal Control" and "Animal Control Department" are synonymous.

Section 2.2 Animal Control Officer. Any person(s) designated by Aransas County to perform the duties outlined in this Order.

Section 2.3 Animal Dealer. Any person, partnership, or corporation engaging in the business of buying, selling, or trading animals to others; including, but not limited to, sales of any animal at a roadside stand, booth, flea market, or other temporary site. This definition does not include non-profit animal shelters, rescue groups, or government operated shelters.

Section 2.4 Animal Establishment. Any facility or business that has custody or control of animals within Aransas County, Texas; including, but not limited to, pet shops, grooming facilities, or commercial kennels. The term does not include veterinary or medical facilities or research facilities.

Section 2.5 Animal Owner. Any person(s), partnership, corporation, association, or legal entity that owns, keeps, or has custody or control of an animal for a period of three (3) days or more, including the person(s), partnership, corporation, association, or legal entity in control or having custody of, or feeding or harboring such animals.

Section 2.6 Bite. Any puncturing, tearing, or scratching of the skin caused by or suspected to be caused by an animal's teeth.

Section 2.7 Bodily Injury. Physical pain, injury, or illness, or any impairment of physical condition.

Section 2.8 Cat. Felis Catus.

Section 2.9 Commissioners Court. The Commissioners Court of Aransas County, Texas.

Section 2.10 Dangerous Dog. A dog is dangerous if it:

- a) makes an unprovoked attack on a person causing bodily injury and the attack occurs in a place other than an enclosure in which the dog is being kept; or
- b) commits unprovoked acts in a place other than an enclosure in which the dog is being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Section 2.11 Dog. Canis Familiaris.

Section 2.12 Domestic Animal. Any member of the Felis Catus or Canis Familiaris species that is owned, kept, or controlled by a person.

Section 2.13 Impound. The apprehending, catching, trapping, netting, tranquilizing, confining, or if necessary, the destruction of any animal by an Animal Control Officer.

Section 2.14 Inhumane Treatment. Any treatment of an animal which deprives the animal of necessary sustenance, including necessary food, clean water and adequate shelter for protection from weather, or any treatment which constitutes torment, physical abuse, mutilation, or lack of proper veterinary care.

Section 2.15 Livestock. Includes exotic livestock as defined by section 161.001, Texas Agriculture Code.

Section 2.16 Neutered/Spayed. Any animal, male or female, rendered incapable of breeding or being bred.

Section 2.17 Public Nuisance. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term public nuisance shall mean and include, but not limited to, any animal that:

- a) Is "running at large" or stray;
- b) Damages the property of anyone other than its owner;
- c) Molests (harasses) or intimidates pedestrians or passerby;
- d) Chases vehicles or bicycles;
- e) Excessively and repeatedly makes unprovoked disturbing noises, between the hours of 10.00 p.m. to 6:00 a.m., including, but not limited to, continuous and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to the neighbors or others in close proximity to the premises where the animal is kept or harbored.

Section 2.18 Restraint. An animal shall be deemed to be under restraint if it is:

- a) tied in such a way as to prevent it from leaving the owner's premises and from being within ten (10) feet of any public right-of-way;
- b) 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 which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint; or
- c) accompanied by a responsible person who is able to control it with a leash or by verbal commands.

Section 2.19 Running at Large. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal except when a dog subject to these regulations is under the direct supervision of the owner and is:

- a) on a leash;
- b) held in the hands/arms of the owner or within the limits of the owner's private property and is obedient to that owner's verbal commands;
- c) within an automobile or vehicle of its owners and properly restrained; or

- d) participating in a field trail, dog show, or obedience classes.

Section 2.20 Secure Enclosure. 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 Dangerous Dog;
- d) clearly marked as containing a Dangerous Dog, if required by these regulations; and
- e) conforms to the requirements for enclosures established by the Aransas County Animal Control Authority.

Section 2.21 Serious Bodily Injury. Any injury characterized by severe bite wound(s) or severe ripping and tearing of tissue or 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.

Section 2.22 Stray. Any animal subject to these regulations that is roaming without physical restraint and whose ownership is not readily ascertainable shall be deemed a stray and a nuisance. Absence of a current rabies tag and/or a tag identifying the owner on any animal subject to these regulations is evidence of its status as a stray.

Section 2.23 Unlawful Restraint. To keep a dog outside and unattended under certain circumstances by use of a restraint that unreasonably limits the dog's movements.

Section 2.24 Vaccinated. An animal which has been currently and properly injected with a rabies vaccine, licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.

Section 2.25 Wild Animal. All species of animals that naturally exist in an unconfined state and are usually not domesticated shall be deemed wild. This definition, which creates a rebuttable presumption, shall apply whether or not the wild animal has been confined for any duration in any fashion.

Section 2.26 Euthanasia. The act of killing an animal humanely, most commonly with injectable drugs. Destruction can be used as a synonym.

SECTION 3. ARANSAS COUNTY ANIMAL CARE SERVICES

Section 3.1 Animal Care Services. The Commissioners Court hereby establishes the Aransas County Animal Control Department to maintain an animal control program, to employ animal

control officers and such other employees as shall be determined necessary by the Commissioners Court, and to enforce the provisions of these regulations.

Section 3.2 Authority to enter into Interlocal Agreements. Aransas County, for the benefit of the Aransas County Animal Care Services, may, with the approval of Commissioners Court, enter into an interlocal agreement with a municipality within Aransas County, for the care, custody and final disposition of all animals surrendered to the Animal Control Facility. This shall only be performed after an interlocal agreement has been approved by both parties.

Section 3.3 Responsibility of Aransas County Animal Control Authority. The Aransas County Animal Care Services shall enforce this Order in all unincorporated areas of Aransas County and only in incorporated areas with a total population of less than 1,000 as reported by the latest U.S. census survey, and that do not have an established Animal Care Authority, and only by interlocal agreement.

Section 3.4 Director of Aransas County Animal Care. The Commissioners Court hereby creates the position of Director of Animal Control. Such person shall report directly to County Judge and will be responsible for supervision of day-to-day operations within the Aransas Animal Care Facility. The Director of Animal Care will have complete discretion on the management and final disposition of all animals that are housed within the Animal Care Facility. It shall be the duty of the Director of Animal Care to report, in writing, to the Commissioners Court, once each month, the total number of animals impounded, the total number of dogs and cats redeemed or transferred to private parties, the total number of dogs and cats humanely disposed of under the provisions of these regulations, and any other relevant information related to the daily operations of the Aransas Animal Care Facility. Such report shall be approved and filed with the Commissioners Court monthly.

Section 3.5 Local Rabies Control Authority (LRCA). As authorized by section 826.017 of the Texas Health & Safety Code, and under these regulations, the Director of the Aransas County Animal Care Services is hereby designated as the Local Rabies Control Authority.

Section 3.6 Animal Control Officer. The Commissioners Court hereby creates the position of Animal Control Officer to assist with the following:

- a) Formation of rules and procedures to be approved by Commissioners Court for the enforcement of this Order; and
- b) Supervising the implementation, administration, and enforcement of this Order

Section 3.7 Duties of Animal Control Officer. An Animal Control Officer or an authorized designee will be responsible for, but not limited to, the duties set forth below, and for carrying out provisions of the State laws pertaining to control and eradication of rabies.

- a) Animal bites - receive and investigate reports of animal bites within Aransas County in a timely manner. Bites occurring within municipalities having animal care ordinances will be referred to the proper municipal authority.
- b) Quarantine - perform immediate and proper quarantine procedures for animals suspected of having rabies. Animals may be placed in an animal shelter or veterinary hospital approved for that purpose by the Texas Department of State Health Services. An owner of an animal may also request permission for home quarantine, subject to approval by an LRCA or their designee.
- c) Euthanasia - perform immediate, if warranted, proper and humane destruction of certain animals described in this Order.
- d) Citations - Issuance of citations for various violations and offenses set forth.
- e) Records - Provide necessary data and reports on a periodic basis as required by the Commissioners Court.
- f) Investigations - Receive and investigate all cases of animal cruelty as defined in sections 42.09 and 42.092 of the Texas Penal Code.

Section 3.8 Interference with the Animal Control Officer and Penalty. It shall be unlawful for any person to intentionally or knowingly, by act or omission, physically interfere with, molest (harass), hinder, or prevent an Animal Control Officer from the official discharge of the duties herein prescribed. Any person who violates a provision of Section 3 shall be guilty of a Class "B" misdemeanor as defined in section 38.15 of the Texas Penal Code-Interference with Public Duties.

SECTION 4. LICENSING AND REGISTRATION

Section 4.1 Registration Tags and Certificate (Health and Safety Code 822.027). The Commissioner's Court of Aransas County shall furnish the Aransas County Animal Care Services the necessary dog identification tags. The tags must be numbered consecutively and must be printed or impressed with the name of the county issuing the tags. The Aransas County Animal Care Services shall assign a registration number to each dog registered with the county and shall give the owner or person having control of the dog the identification tag and a registration certificate. The Aransas County Animal Care Services shall record the registration of a dog, including the age, breed, color, sex, and registration date of the dog. If the registration information is not recorded on microfilm, as maybe permitted under other law, it shall be recorded in a book kept for that purpose. If the owner of a dog is transferred, the dog's registration shall be transferred to the new owner. The owner shall securely attach the county's license tag to their animal.

Section 4.2 Registration Fee (Health and Safety Code 822.028). An owner of a dog registered under this subchapter must pay a registration fee of \$1. However, the commissioner's court of the county may set the fee in an amount of more than \$1 but not more than \$5, and if the court sets the

amount of the fee the owner must pay that amount. Registration is valid for one year from the date of registration. If a dog is moved from another county, the owner may present the registration certificate to the Aransas County Animal Care Services and receive without additional cost a registration Certificate. The new registration certificate is valid for one year from the date of registration in the county from which the dog was moved.

Section 4.3 Pet License- means an annual registration and certificate issued for all domesticated animals over four (4) month of age.

Section 4.4 No person shall own, keep or harbor within the County any domesticated animal over the age of four (4) months unless such animal has an annual pet license.

Section 4. Issuance- Owner shall be issued the county license tag once the following is turned into Aransas County Animal Care Services;

- a. Proof of a rabies certificate
- b. Owners Information (Name, Address and Phone Number)
- c. Microchip Number (If the animal has one)
- d. Payment of the amount set by commissioner's court.

SECTION 5. RABIES CONTROL PROGRAM

Section 5.1 Rabies Vaccination. No person shall own, keep or harbor within the County any dog or cat over the age of four (4) months unless such dog or cat has a current rabies vaccination. All animals must receive a second rabies vaccination within one (1) year from the date of receiving their first vaccination, regardless of the type of vaccine used or the age at which the animal was initially vaccinated. After the second rabies vaccination, a rabies vaccination is required annually thereafter and in accordance with state rules. Any person moving into the County shall comply with this Section within ten (10) days after having moved into the County.

Section 5.2 Certificate of Vaccination. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate using a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information.

- a) the name, address and telephone number of the owner of the vaccinated dog or cat;
- b) the date of vaccination;
- c) the type of rabies vaccine used;
- d) the year and number of rabies tag; and
- e) the breed, age, color, and sex of the vaccinated dog or cat.

The information contained in the certificate or record may not include the social security number or driver's license number of the owner of the vaccinated animal.

Section 5.3 Rabies Tag. Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian shall furnish to the owner of the vaccinated dog or cat a metal tag. The owner of the dog or cat shall attach the metal tag to the collar or harness of the vaccinated dog or cat, serial numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his/her address. The owner shall have the collar or harness, with the metal tag attached, on his/her dog or cat at all times. Any other methodology approved and accepted by the Texas Department of Health for identification purposes will be considered by the Animal Control Officer. In the event of loss or destruction of the original tag, the owner of the animal shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animal for which it was originally issued. Duplicate tags shall be purchased from the originally issuing veterinarian.

Section 5.4 Proof of Vaccination. It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit a copy of the certificate of vaccination upon demand from an Animal Control Officer or a designee charged with the enforcement of this Order.

Section 5.5 Unvaccinated Animal. It shall be unlawful for any person to own, keep or harbor a dog or cat which has not been vaccinated against rabies, as provided herein, which cannot be identified as having a current vaccination certificate.

Section 5.6 Animals Exposed to Rabies.

a) Any person who has reason to believe that any animal, whether or not currently vaccinated, has been exposed to rabies must immediately report the incident to the Aransas County Animal Control Authority.

b) Any such animal shall be impounded and placed in isolation in a facility approved by the Aransas County Animal Control Authority, for such time as is necessary, depending upon all relevant circumstances, for a licensed veterinarian to determine that the animal has not contracted rabies.

c) If the owner of the animal cannot provide an approved isolation facility or does not agree to pay for the facility, the animal shall be humanely destroyed at the owner's expense.

d) If the animal's owner cannot be identified or located within seventy-two (72) hours from the time of impoundment, the animal shall be humanely destroyed.

e) In addition to any impound fees, and costs directly associated with the examination, treatment, and/or vaccination of the animal shall be paid prior to release of the animal.

Section 5.7 Penalty for Violation.

a) Any person who violates a provision of this Section is guilty of a Class "C" misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

b) If on the trial of an offense under this Section the court finds that the person has been previously convicted of an offense under this Section, the current offense shall be a Class "B" misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00) and/or imprisonment for a period not to exceed one hundred eighty (180) days.

c) It is a defense to prosecution under this Section that the person charged produces proof of vaccination that was valid at the time the offense is alleged to have occurred.

SECTION 6. REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES

Section 6.1 Report Required. Any person having knowledge of a bite to a human by any warm-blooded animal shall report the incident to the Aransas County Animal Care Services the moment the bite occurs.

Section 6.2 Investigation. The Aransas County Animal Care Services shall investigate all animal bite incidents reported within the unincorporated areas of Aransas County but not within incorporated municipalities which have jurisdictional responsibility to investigate animal bites. It is an open investigation until ten (10) days or two hundred forty (240) hours from the time of the bite in accordance with the Texas Administrative Code Sec. 169.27.

Section 6.3 Reports of Rabies. The report must include the following:

a) Name and address of the victim or biting animal and of the animal's owner or custodian, if known; and

b) Any other information that may help in locating the victim, biting animal, or the animal causing the bite.

Section 6.4 Quarantine Required. The owner, if any, of the biting animal shall place the animal in quarantine as prescribed in Section 7 under the supervision of the Aransas County Animal Care Services either shelter quarantine or home quarantine

Section 6.5 Penalty for Violation. Any person who violates a provision of this Section may be guilty of a Class "C" misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

SECTION 7. QUARANTINE

Section 7.1 Quarantine. The owner must submit the animal in question for quarantine for no less than ten days (10) or two hundred forty (240) hours from which the incident occurred, or submit

the animal's brain for testing, that is reported to be rabid or to have exposed an individual or domesticated animal to rabies; or that the owner knows or suspects is rabid or to have exposed an individual or domesticated animal to rabies.

Section 7.2 Owner Refuses Quarantine. If the biting animal cannot be maintained in a secure quarantine or if the owner chooses not to pay for the quarantine, the animal shall be humanely destroyed, and the brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis, at the owner's expense.

Section 7.3 Wild Animals. No wild animals will be placed in quarantine. All wild animals involved in biting incidents shall be humanely destroyed in such a manner that the brain is not mutilated and the brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

Section 7.4 Penalty for Violation

- a) Any person who violates a provision of Section 7 shall be guilty of a Class "C" misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
- b) If it is shown at trial that a person has been previously convicted of a violation of a provision of Section 7, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.
- c) Each day an animal is not produced for quarantine shall constitute a separate offense.

SECTION 8. PROHIBITION OF A NUISANCE

Section 8.1 Dogs Prohibited from Running at Large. The owner or custodian of a dog shall restrain the animal and prevent it from running at large. Each unrestrained, unowned, or stray dog or cat is hereby declared a public nuisance. For purposes of this Section, "restrained" shall mean that the dog is: physically restrained by a leash, fence, pen, or other device; or physically located on the property of the owner or custodian.

- a) When the owner of a dog running at large is determined and the owner can be located, the animal shall be returned to its owner and the owner may be cited for violation of this Order.
- b) If the ownership is in question or if the animal is a stray, the animal shall be impounded for seventy-two (72) hours, not counting weekends and holidays. An owner may claim the dog within this time period after paying all incurred costs and impoundment fees.
- c) Upon failure of the owner to claim the dog during the impound period, the Animal Control Officer may order the animal be placed for adoption or humanely destroyed without compensation to the owner.

Section 8.2 Elimination of Stray Animals. When practical, the Animal Control Officer may impound any animal subject to these regulations that is found to be a stray.

- a) The animal may be impounded for seventy-two (72) hours, not counting weekends and holidays.
- b) Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept zero (0) to seventy-two (72) hours at the discretion of the Animal Control Officer.
- c) If, by rabies tags or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall use his or her best efforts to immediately, upon impoundment, notify the owner by direct contact, telephone, mail, or other reasonable means.
- d) Subject to citation for violation of this Order, an owner may claim the animal within the impoundment period after paying all incurred cost and impoundment fees.
- e) Upon failure of the owner to claim the animal during the impoundment period, the Animal Control Officer may order the animal to be placed for adoption or humanely destroyed without compensation to the owner.

Section 8.3 Animal Creating a Nuisance. It shall be a public nuisance and unlawful for an owner to intentionally, knowingly, or recklessly keep, possess, or control any animal subject to these regulations in a manner that:

- 1) causes the animal to excessively make disturbing noises between the hours of 10:00 p.m. to 6:00 a.m., including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- 2) causes foul air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- 3) causes unsanitary conditions in enclosures or surroundings in which the animal is kept or harbored;
- 4) damages the property of an individual other than its owner or trespasses on private or commercial property; or
- 5) is offensive or dangerous to public health, safety, or welfare by virtue of the number and/or type of animal.
- 6) becomes a traffic hazard and/ or public safety concern;

7) Subject to citation for violation of this Order the animal shall be impounded in Aransas County Animal Care facility.

8) An owner may claim the animal within the impoundment period after paying all incurred cost and impoundment fees.

9) Upon failure of the owner to contact the Animal Control Authority during that period, the Animal Control Officer may order the animal be placed for adoption or humanely destroyed without compensation to the owner.

10) Upon contact with the Animal Control Authority, reasonable arrangements may be made to continue to impound the animal, at the owner's expense, while a plan to eliminate the nuisance is devised.

Section 8.4 Penalty for Violation. Any person who violates a provision of Section 8 shall be guilty of a Class "C" misdemeanor.

SECTION 9. TREATMENT OF ANIMALS

Section 9.1 Prohibition of Inhumane Treatment. Any inhumane treatment of any type of animal shall be deemed cruelty. It shall be unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, by act or omission, treat an animal inhumanely.

a) No person shall torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or needlessly mutilate or kill an animal or carry any animal upon any vehicle, or otherwise, in a cruel or inhumane manner, or procure the same to be done within the County.

b) It is unlawful for any person to abandon an animal within the County limits.

c) It shall be unlawful for the owner of animal to fail to provide the animal with adequate amounts of wholesome and nutritious food, water in sufficient quantities, adequate ventilation, adequate spaces for exercise, shelter that protects the animal from the elements (sun, wind, rain, freezing temperatures, etc.), veterinary care when needed to prevent suffering, and overall humane treatment and care.

d) Pursuant to section 42.10 of the Texas Penal Code, it shall be unlawful for any owner to cause or permit any dog fight or other combat between animals or between humans and animals.

e) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety.

Section 9.2 Seizure. Any Animal Control Officer is hereby authorized to obtain a seizure warrant from the Justice of the Peace or other court of competent jurisdiction to seize any animal that the officer has probable cause to believe is being cruelly treated and in compliance with Section 821.022 of the Texas Health & Safety Code. The officer executing the warrant shall seize the animal and give written notice to the owner of the time and place of the hearing. A hearing must be held within ten (10) days of the date the warrant is issued.

Section 9.3 Public Auction. An animal found by the court to have been cruelly treated may be sold at public auction, given to an animal rescue organization, placed for adoption, or the animal may be ordered to be humanely destroyed. At a public auction, a bid by the animal's former owner or that person's agent shall not be accepted.

Section 9.4 Penalty for Violation. A person who mistreats an animal is subject to prosecution in County Court or District Court under Section 42.09 of the Texas Penal Code (relating to livestock) or Section 42.092 of the Texas Penal Code (relating to non-livestock) or Section 42.10 of the Texas Penal Code (relating to dog fighting). Violations range from Class "A" misdemeanors to third degree felonies.

Section 9.5 Cruelty to Livestock Animals (Penal Code 42.09).

(a) A person commits an offense if the person intentionally or knowingly:

- (1) Tortures a livestock animal;
- (2) Fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;
- (3) Abandons unreasonably a livestock animal in the person's custody;
- (4) Transports or confines a livestock animal in a cruel and unusual manner;
- (5) Administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
- (6) Causes one livestock animal to fight with another livestock animal or with an animal as defined by section 42.092
- (7) Uses a live livestock animal as a lure in a dog race training or in dog coursing on a racetrack;
- (8) Trips a horse; or
- (9) Seriously over works a livestock animal.

Section 9.6 Possession of animal by person convicted of animal cruelty. A person commits an offense if the person:

- (1) Possesses or exercises control over an animal; and
- (2) Within the five- year period preceding the date of the instant offense, has been previously convicted of an offense under:
 - a. Section 42.091, 42.092, or 42.10; or

- b. Federal law or a penal law of another state containing elements that are substantially similar to the elements of an offense described by Section 9.6.
- (3) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the defendant has been previously convicted of an offense under this section.

SECTION 10. UNLAWFUL RESTRAINT OF DOGS

Section 10.1 Unlawful Restraint. An owner may not leave any dog outside and unattended by use of a restraint unreasonably limits a dog's movement if the restraint:

- 1) uses a collar that is pinch-type, prong-type, choke-type or that is not properly fitted to the dog;
- 2) is a length shorter than the greater of five times the length of the dog from nose tip to base of tail, or ten feet;
- 3) is in an unsafe condition; or
- 4) causes injury to the dog.

A) Exception to division (a) shall be:

1) a dog restrained in compliance with the requirements of a camping or recreational area as defined by federal, state or local authority or jurisdiction;

2) a dog restrained for a reasonable period, not to exceed three(3) hours within a twenty-four (24) hour period and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;

3) during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity; or

4) such that is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

B) A person restraining a dog with a tether shall attach the tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a tether that weighs more than 1/18 of the dog's body weight. A tether used to restrain a dog must, by design and placement, be unlikely to become entangled. A person shall not restrain a dog with a chain or chain with a lock attached.

C) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter, shade and water.

D) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

Section 10.2 Penalty for Violation. Any person who violates a provision of Section 10 shall be guilty of a Class "C" misdemeanor.

SECTION 11. OWNERSHIP OF DANGEROUS DOGS

Section 11.1 Declaration of a Dangerous Dog.

a) The Animal Control Authority may find and declare a dog to be dangerous or potentially dangerous if the Animal Control Officer has probable cause to believe that a dog committed any acts described in the definition of Dangerous Dog (Section 2.10) or that the dog repeatedly bit or vigorously shook its victim and the victim, or a person intervening, had difficulty terminating the attack; or

b) Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements or made at the Aransas Animal Control Facility, setting forth the nature and the date of the act, the location of the event, the name of the owner of the dog, the address of the owner, and the description of the dog doing such act, the Animal Control Officer shall investigate the complaint and determine if a dog is considered dangerous as defined in Section 2.11 of this Order.

Section 11.2 Notification of Declaration of a Dangerous Dog.

a) Within five (5) working days of declaring any dog dangerous or potentially dangerous, the Animal Control Officer will notify, by certified mail, return-receipt requested, the owner of the dog(s) designated as a Dangerous Dog. The Animal Control Officer shall also post a written notice at the entrance of the premises where the dog is harbored.

b) Receipt of said notice shall be presumed upon proof of either of the following occurrences:

- 1) Affidavit by the Animal Control Officer of deposit of correctly addressed, return- receipt notice into the United States mail;
- 2) Return of an executed return-receipt; or
- 3) Affidavit by the Animal Control Officer of posting of the notice at the premises where the dog was harbored.

c) An owner may appeal this declaration to the Justice of the Peace of competent jurisdiction. If the dog is declared to be dangerous, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the appropriate Justice of the Peace no later than ten (10) working days from receipt of notice by the owner of the dog. Failure to appeal the declaration within ten (10) working days shall result in the Animal Control Officer's decision becoming final. Further appeals may be pursued in the same manner as appeals in civil cases.

Section 11.3 Determination Hearing.

a) Upon written request for a determination hearing by the owner of a dog declared dangerous, the dog in question will be subject to any behavior assessment test or any other means available to the Aransas Animal Control Authority. The result of any test will be presented at the determination hearing and be taken into consideration for the final determination. The owner shall be responsible for any cost incurred for any test to be conducted and fees of the animal behaviorist to analyze the test, or any other related expense.

b) The owner shall be notified of the hearing by placing the notice in the United States mail, certified, return receipt requested, addressed to the owner. Failure of the owner of the dog to appear at the determination hearing shall result in the Animal Control Officer's declaration becoming final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner at a licensed veterinarian facility or at the Aransas Animal Control Facility. The cost of securing the dog pending the determination of the hearing shall be borne by the owner.

c) The judge of a court of competent jurisdiction shall determine by a preponderance of the evidence whether to declare the dog a Dangerous Dog under this Section 11 based upon evidence, affidavits, and testimony presented at the time of the hearing.

d) The court shall determine by a preponderance of the evidence whether the declaration that the dog is dangerous is proper based upon the evidence, affidavits, and testimony presented at the hearing.

Section 11.4 Defense to Declaration of Dangerous Dog. It is a defense to the determination of any dog as dangerous and to the prosecution of the owner of the dog:

a) If the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

b) If the person was teasing, tormenting, abusing, or assaulting the dog;

- c) If the person was committing or attempting to commit a crime;
- d) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or
- e) If the dog was injured and responding to pain.

Section 11.5 Exemption. It is a defense to prosecution that a person is:

- a) 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 had temporary ownership, custody, or control of the dog in connection with that position;
- b) 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; or
- c) a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies, Tex. Rev. Civ. Stat. Art. 4412 (29BB).

Section 11.6 Confiscation.

- a) Until the owner of a dog determined to be dangerous has met the requirements placed on that owner by section 822.042 of the Texas Health & Safety Code and this Order, the Animal Control Officer or a designee shall confiscate the dog, whether it be found on public or private property.
- b) The Animal Control Officer shall have no authority to confiscate any dog unless he has first delivered to the owner of the dog, a written notice of the determination that the dog is a Dangerous Dog. The notice may be delivered either in person or by certified mail, return-receipt requested, directed to the last known mailing address of the owner.
- c) The Animal Control Officer shall be required to obtain a search and seizure warrant only if the Dangerous Dog is located within a residence.
- d) If an attempt is made by the Animal Control Officer to impound a Dangerous Dog and the impoundment cannot be made safely, the owner shall be notified and given twenty- four (24) hours to surrender the dog to the Animal Control Officer. The notice shall include a warning that failure to surrender the dog may result in destruction of the dog if it cannot be safely impounded on any subsequent attempt;

e) The dog thus confiscated shall be ordered sheltered by the Animal Control Officer for a period of seventy-two (72) hours, not counting weekends and holidays, to allow the owner an opportunity to claim the dog upon satisfaction of the provision of section 822.042 and 826.00 of the Texas Health & Safety Code and this Order. Upon failure of the owner to reclaim the dog during that period, the Animal Control Officer may humanely destroy the dog without compensation to the owner.

f) In addition to the fees required for registration of the dog, the owner must, prior to the dog's release, satisfy all of the above provisions.

g) A Dangerous Dog, which, after due process, becomes the property of the Aransas County Animal Care Authority, will not be eligible for adoption and will be humanely destroyed once all appeals have been exhausted.

Section 11.7 Requirements for Ownership of a Dangerous Dog.

a) An owner of a Dangerous Dog must:

1) Register the Dangerous Dog with the Aransas County Animal Care Authority for the area in which the dog is kept;

2) pay an annual fee of \$100.00 to the Aransas County Animal Care Authority, which Aransas County Animal Care Services will give owner Dangerous dog Tag and Certificate, with the Dangerous dog identification collar (orange with reflective strip);

3) Owner will restrain the Dangerous Dog at all times on a leash in the immediate control of a person with a muzzle or in a secure enclosure which has been approved by the Aransas County Animal Care Authority;

4) Owner will post a sign on his/her premises warning that there is a Dangerous Dog on the property - this sign shall be given to owner by Aransas County Animal Care Services and made visible and be capable of being read from a public street or highway;

5) Owner will be required to spay or neuter the Dangerous Dog; and

6) Obtain and maintain necessary insurance or show financial responsibility in the amount of at least \$100,000 to cover damages to persons and property resulting from a dog attack.

b) If an owner of a registered Dangerous Dog sells the dog or moves the dog to a new address, the owner, not later than 14th day after the sale or the move, shall notify the Animal Care Authority, in writing, of the name, address, and telephone number of the proposed new owner, the proposed new location of the dog, and the name and description of the dog. The owner shall, in addition to the above, notify any new owner or custodian of a Dangerous Dog, in writing, regarding the details of the dog's record and the terms and

conditions for confinement and control of the dog. The transferring owner shall also provide the Animal Care Authority with a copy of the notification to the new owner of his or her receipt of the original notification and acceptance of the terms and conditions.

c) If a Dangerous Dog should die, the owner shall notify the Animal Care Authority no later than twenty-four (24) hours thereafter and, upon request, shall produce the animal for verification or satisfactory evidence of the dog's death.

d) An owner of a registered Dangerous Dog shall notify the Animal Care Authority of any attacks the Dangerous Dog makes against people or animals within twenty-four (24) hours of the attack or as soon as such attack is known by any person to have occurred.

e) If a Dangerous Dog escapes, the owner shall immediately notify the Animal Care Authority and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or animals.

t) If a dog is registered as a "Dangerous Dog", or is known by another name with the same or similar meaning, in any jurisdiction and the owner of the dog moves the dog to an address located in an area of Aransas covered by these regulations, the owner shall, within fourteen (14) days of moving to such location, register the Dangerous Dog with the Aransas Animal Care Authority.

Section 11.8 Limitation of Ownership of Dangerous Dogs.

a) Only one (1) Dangerous Dog may be owned per household.

b) No more than two (2) Dangerous Dogs may remain at any residence for more than any seven (7) day period.

Section 11.9 Penalty for Violation- Ownership of Dangerous Dogs

a) Any person who violates a provision of this Section may be guilty of a Class "C" misdemeanor punishable of a fine of not more than five hundred dollars (\$500.00).

b) Each day that a person owns a Dangerous Dog in violation of this Section shall constitute a separate offense.

c) An offense under this Section is a Class "B" misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00) and imprisonment of no more than one hundred eighty days if it is shown on trial of the offense that the defendant has previously been convicted under this Section.

Section 11.10 Penalty for Violation- Attack by a Dangerous Dog against a person.

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 another person.

b) An offense under this Section is a Class "C" misdemeanor and is punishable by a fine not to exceed (\$500.00), unless the attack causes serious bodily injury or death. (See Section 11.11 below)

c) If it is shown at trial that a person has been previously convicted under this Section, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.

d) In addition to criminal prosecution, a person who commits an offense under this Section is liable for a civil penalty not to exceed \$10,000.00. The Aransas County may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the County to be used to defray the cost of administering this Order.

e) If a person is found guilty of an offense under this Section and the offending dog caused death or bodily injury, the Court may order the Dangerous Dog destroyed by the Animal Care Authority in a humane manner.

SECTION 12. AGGRESSIVE DOG

Section 12.1 Classification of a dog as aggressive shall be based upon specific behaviors exhibited by the dog. For purposes of this chapter, behaviors establishing various levels of aggressive dogs are the following:

- 1) **Level 1-** established if a dog, while unrestrained, causes physical injury to any domestic animal or livestock.
- 2) **Level 2-** behavior is established if:
 - a) A dog, while unrestrained, kills or causes the death of any domestic animal or livestock, or
 - b) A dog classified as a level 1 aggressive dog that repeats the behavior in subsection (1) after the owner or keeper receives notice of the level 1 classification.
- 3) Notwithstanding subsections 1 and 2, the Animal Care Services Authority shall have discretionary authority to refrain from classifying a dog as aggressive, even if the dog has engaged in the behaviors specified in subsections 1 and 2 if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuation circumstances

Section 12.2 Investigation, seizure, confinement, and designation of aggressive dogs.

- 1) The Aransas County Animal Care Services shall have authority to determine whether any dog has engaged in the behaviors specified in section 12.1. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the Animal Care Officer. These observations and testimony can be provided by animal care officers or by other witnesses who personally observed the behavior. They shall sign and fill out a witness statement form of the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.
- 2) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to ensure the health and safety of people nearby, the Aransas County Animal Care Services may order the immediate seizure and impound of the dog. An administrative search warrant shall be obtained from County Court Magistrate to enter onto private property to search for a dog, which is allegedly aggressive or has been previously determined to be aggressive, if permission to enter the subject premises is denied by a person in lawful possession. If the dog cannot be safely approached, a tranquilizer projector may be used by department personnel. The cost of securing said dog(s) shall be borne by the owner. If a dog is determined to be aggressive, it will remain in confinement as directed by the department. A dog that has been determined to be aggressive may not be released back to the owner until the owner is able to demonstrate his ability to comply with all the requirements for aggressive dogs as outlined in Section 14. The Animal Care Services Authority shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.
- 3) The Aransas County Animal Care Services shall give the dog's owner or keeper written notice of the dog's specified behavior, of the dog's classification as aggressive, and of the restrictions applicable to that dog by reason of its classification.
- 4) Upon receipt of notice of the dog's classification as a level 1 or 2 aggressive dog pursuant to subsection (c), the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Upon final determination and after appeals are exhausted, the owner will have thirty (30) days to comply with the requirements or else the animal will be considered abandoned and may be disposed.
- 5). Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the Aransas County Animal Care Services shall have authority to impound the dog pending completion of all appeals.
- 6) If the Aransas County Animal Care Service's decision finds that a dog has engaged in aggressive behavior, the dog may be impounded with a warrant pending the completion of any appeals.

7) Any dog classified as a level 2, that is found to have repeated level 2 behavior as defined under this chapter, shall be impounded if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the department.

SECTION 13. APPEAL OF AGGRESSIVE DOG DETERMINATION TO ARANSAS COUNTY COURT

Section 13.1 An owner may appeal an aggressive dog determination within fifteen (15) days after receiving notice of the determination by:

- 1) Filing a written notice of appeal of the department's aggressive dog determination in the county court;
- 2) Attaching a copy of the determination from the Aransas County Animal Care and
- 3) Serving a copy of the notice of appeal to the Aransas County Animal Care by certified mail.

Section 13.2 The county court shall conduct a hearing to determine whether the preponderance of the evidence supports the aggressive dog determination.

Section 13.3 The county court magistrate shall be the finder of fact. As such, the county court may compel the attendance of the complainant, any known witnesses, the dog owner against whom the complaint was filed, and department staff who investigated. Failure of the owner of the animal to appear at the hearing shall result in a final classification with no further appeal. The owner may be represented by counsel.

Section 13.4 At the conclusion of the hearing, the county court may affirm or reverse the aggressive dog determination.

Section 13.5 The result of the administrative appeal hearing is final.

SECTION 14. REGULATIONS OF AGGRESSIVE DOG.

Section 14.1 In addition to the other requirements of this chapter, the owner or keeper of an aggressive dog shall comply with the following conditions:

- (1) Dogs classified as level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, and the owner or keeper shall post warning signs, which are provided by the department, on the premises where the dog is kept, in conformance with rules to be adopted by the department. The

owner or keeper shall not permit the dog to be off the owner's or keeper's premises unless the dog is muzzled and restrained by an adequate leash three (3) feet in length purchased from animal care services and under the control of a capable person.

(2) To ensure correct identification, all dogs that have been classified as aggressive shall be microchipped and photographed and may be fitted with a special tag or collar approved by and purchased from the department visible at fifty (50) feet so that the dog can be identified as an aggressive dog. The department is authorized to charge the dog owner a fee to cover the cost of this tag or collar.

(3) The animal must have a registered microchip and obtain an annual aggressive dog permit from the department.

(4) The owner or keeper of a level 2 aggressive dog shall not permit the warning sign to be removed from the secure enclosure. The owner or keeper of any aggressive dog shall not permit the special tag or collar to be removed from the dog. The owner or keeper of an aggressive dog shall not permit the dog to be moved to a new address or change owners or keepers without providing the Animal Care Services with ten (10) days' prior written notification.

(5) At the owner's expense, the aggressive dog must be spayed or neutered by a veterinarian approved by the department prior to being released back to its owner.

SECTION 15. DECLASSIFICATION OF AGGRESSIVE DOG.

Section 15.1 Declassification will be automatic pursuant to this section. The following conditions must be met:

- 1) Level 1 dogs have been classified for one (1) year without further incident, and two (2) years for level 2 dogs; and
- 2) There have been no violations of the specified regulations.

Section 15.2 When the owner or keeper of an aggressive dog meets all of the conditions in this chapter, the restrictions for level 1 classified dogs may be removed. Restrictions for level 2 may be removed, with the exception of the secure enclosure.

SECTION 16. DOGS CAUSING DEATH OR SERIOUS BODILY INJURY TO A PERSON

Section 16.1 Attack by dog Causing Death or Serious Bodily Injury

A person commits an offense if the person is the owner of a dog and the person:

- a) With criminal negligence, as defined by Section 6.03, Texas Penal Code, fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owner's real property or motor vehicle and that causes serious bodily injury, as defined by Section 1.07, Texas Penal Code, or death to the other person.
- b) knows the person is a Dangerous Dog by learning in a manner described by Section 822.042(g) of the Texas Health and Safety Code that the person is the owner of a Dangerous Dog, and the Dangerous Dog makes an unprovoked attack on another person that occurs at a location other than a secure enclosure and that causes serious bodily injury or death to the other person.

Section 16.2 Seizure of a Dog Causing Death of or Serious Bodily Injury to a Person

- a) A justice court or county court shall order the Animal Control Office to seize a dog and shall issue a warrant authorizing the seizure:
 - 1) on the sworn complaint of any person, including the County Attorney of Aransas County 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 Officer 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.

Section 16.3 Hearing

- a) The court shall set a date and 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 tenth (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, 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 or 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.

e) 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 (8) 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 (8) 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 (8) 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 (8) years of age from entering.

Section 16.4 Destruction of Dog. The destruction of a dog under this section 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 Animal Care who are trained in the humane destruction of animals.

Section 16.5 Provocation or Location of an Attack Irrelevant. Except as provided by Subsection 16.3(E), 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 16.6 Penalty for Violation.

- a) An offense under this Section is a felony of the third degree unless the attack causes death, in which event the offense is a felony of the second degree.
- b) If a person is found guilty of an offense under this Section, the court may order the dog destroyed by any person listed in Section 822.004 of the Texas Health and Safety Code.
- c) A person who is subject to prosecution under this Section and under any other law may be prosecuted under this Section, the other law, or both.

SECTION 17. IMPOUNDMENT FACILITIES AND FEES

Section 17.1 Impounded Animals. Any animal that poses a threat to public health and safety or any animal that has been cruelly treated or abused may be impounded.

Section 17.2 Animal Facilities. The Commissioners Court may enter into contracts or agreements with public or private entities or animal shelters to provide for the impoundment of animals under this Order or to carry out activities required or authorized by this Order. Any animal adopted from an animal facility that has entered into a contract with Aransas County shall require that all animals adopted be spayed or neutered within Thirty (30) days of the adoption.

Section 17.3 Impoundment Fees. An owner of an animal that has been impounded under any section of this Order shall pay all applicable impoundment fees, as established and approved by the Aransas County Commissioners Court, before retrieving the animal.

Section 17.4 Impoundment Records. The Animal Control Officer shall keep adequate public record of all impounded animals, including a description of the animals impounded, the date of impoundment, the date of sale of an animal, if applicable, as well as the amount realized from the sale, the fees and expenses due for impounding and keeping the animal, the name of the owner of the animal, if known, and the name of the purchaser of the animal.

SECTION 18. REQUIREMENTS FOR ADOPTION

Section 18.1 Dog and Cat Sterilization. A releasing agency may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

Section 18.2 Sterilization Agreement.

- (1) The sterilization agreement used by a releasing agency must contain:
 - a. The date of the agreement
 - b. Names, addresses, and signatures of the releasing agency and the new owner
 - c. A description of the animal to be adopted
 - d. The sterilization completion date
 - e. A statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of this chapter is criminal offense punishable as a Class C misdemeanor.
- (2) The sterilization completion date contained in the sterilization agreement must be:
 - a. The 30th day after the date of adoption in the case of any adult animal.
 - b. The 30th day after a specified date estimated to the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes six months old.
 - c. If the releasing agency has a written policy recommending sterilization of certain infant animals at an earlier date, the 30th day after the date contained in the written policy.

Section 18.3 Confirmation of Sterilization

- a. Except as provided in Sec. 18.4 or 18.5, each new owner who signs a sterilization agreement under Sec. 18.2 shall deliver to the releasing agency from which the animal was adopted a letter signed by the veterinarian who performed the surgery.
- b. The letter must be delivered in person or by mail not later than the seventh day after the date on which the animal was sterilized.
- c. The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

Section 18.4 Letter Concerning Animals Death

- a. If an adopted animal dies on or before the sterilization completion date agreed to under Sec. 18.2. The new owner shall deliver to the releasing agency a signed letter stating that the animal is dead.
- b. The letter must be delivered not later than the seventh (7) day after the date of the animal's death.
- c. The letter required by this section is in lieu of the letter required by Sec. 18.3.

Section 18.5 Letter Concerning Lost or Stolen Animal.

- A. If an adopted animal is lost or stolen before the sterilization completion date agreed to under Sec. 18.2. The new owner shall deliver to the releasing agency a signed letter stating that the animal is lost or stolen.
- B. The letter must be delivered no later than the seventh (7) day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.
- C. The letter required by this section is in lieu of the letter required by Sec. 18.2

Section 18.6 Reclamation

- a. A releasing agency that does not receive a letter under Sec. 18.2, 18.3, 18.4, 18.5 after the expiration of the seventh (7) day after the sterilization completion date agreed to under Sec. 18.2 may promptly reclaim the animal from the new owner.
- b. A person may not prevent, obstruct, or interfere with a reclamation under this section.

Section 18.7 Criminal Penalty. A new owner that violates this chapter commits an offense. An offense under this section is a Class C misdemeanor.

Section 18.8 Exemptions.

- a. A dog or cat that is claimed from a releasing agency by a person who already owns the animal.
- b. A releasing agency located in a municipality that has in effect an ordinance providing standards for dog and cat sterilization that exceed the requirement provided by this chapter.

**SECTION 19. ADVISORY
COMMITTEE**

Section 19.1 Appointment of Committee. The Aransas County Commissioners Court may appoint an advisory committee to assist with making recommendations with regard to animal care policy to the Aransas County Commissioners Court and to assist in ensuring that the Aransas Animal Care Facility is in compliance with all applicable statutory requirements.

Section 19.2 Composition of Committee. The advisory committee shall be composed of at least one licensed veterinarian, one county official, one representative from an animal welfare

organization, and one employee of the Aransas Animal Care Facility.

Section 19.3 Annual Requirements. The advisory committee shall meet at least three times a year.

SECTION 20. CONFIDENTIALITY AND NONDISCLOSURE

Information contained in a rabies vaccination certificate, in any record compiled from the information contained in one or more certificates, in any county registry provided for herein, or as compiled in compliance with another provision of this Order, that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered animal, is confidential and is not subject to disclosure under the Public Information Act, Chapter 522, Texas Government Code. The information may only be disclosed to a governmental entity or to a person that under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety.

SECTION 21. MISCELLANEOUS

Section 17.1 Severance Clause. If any section, sentence, or clause of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

Section 17.2 Necessary Contract. The Commissioners Court or its designee may enter into any contracts or agreements with public or private entities that are necessary to effectuate this Order.

Section 17.3 Effective Date. This Order shall become effective following passage by a majority vote of the Aransas County Commissioners Court.