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IN THE COMMISSIONERS COURT
VICTORIA COUNTY, TEXAS

**AN ORDER PROVIDING FOR REVISED REGULATION OF DANGEROUS DOGS IN
VICTORIA COUNTY, TEXAS; PROVIDING PENALTIES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS the Commissioners Court of Victoria County, Texas finds that a substantial need exists to revise the previous Order regarding dangerous dogs within Victoria County, Texas; and

WHEREAS the Commissioners Court of Victoria County, Texas is authorized to enact policies regarding dangerous dogs pursuant to Chapter 822 of the Texas Health and Safety Code; and

WHEREAS it is the intent of the Commissioners Court to enact this Order relating to dangerous dogs in the County; and

WHEREAS on July 30, 2012, the Commissioners Court adopted an Order Concerning the Regulation of Dangerous Dogs; Providing Penalties; Providing for Severability; and Providing an Effective Date; and

WHEREAS the Commissioners Court now intends to adopt this Order for the Revised Regulation of Dangerous Dogs, and intends the provisions of this Order to supersede the provisions of the July 30, 2012 Order that addresses "Dangerous Dogs," as that term is defined in this Order.

Pursuant to the authority granted by the Constitution and Chapter 822 et seq., Health and Safety Code of the State of Texas, BE IT ENACTED BY THE COMMISSIONERS COURT OF VICTORIA COUNTY, TEXAS:

ORDER OF THE COMMISSIONERS COURT

Section 1. - Definitions.

As used in this Order the following words and phrases shall have the meanings herein ascribed to them, unless the content of their usage clearly indicates another meaning:

(a) "*Animal control authority*" means the Director of the Victoria City-County Health Department, or an authorized representative of such Director.

(b) "*Bodily injury*" means physical pain, illness, or any impairment of physical condition that results from a bite or attack by a dog.

(c) "*Dangerous dog*" means a dog that:

(1) has been determined by a court to be a dangerous dog, as provided in section 822.043 of the Texas Health and Safety Code, as

amended;

(2) 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

(3) 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.

(d) "*Director*" means the director of the Victoria City-County Health Department, or an authorized representative of such Director.

(e) "*Dog*" means a domesticated animal that is a member of the canine family.

(f) "*Hearing officer*" shall mean the director or any person he may designate to conduct a hearing under this Order, provided such person shall not have participated in any investigation of the facts regarding the alleged dangerous dog or be in the chain of command of any such person.

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

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

- (1) At least 6 feet in height;
- (2) Locked;
- (3) Capable of preventing the entry of the general public, including children;
- (4) Capable of preventing the escape or release of a dangerous dog; and
- (5) Clearly marked as containing a dangerous dog.

(i) "*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.

G) "*Unprovoked*" means action by a dog that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, or nursing offspring.

7.1.- Impoundment order; surrender.

The Victoria County Commissioners Court adopts Texas Health and Safety Code section 822.0422 as follows:

- (a) A person may report a dangerous dog situated within the county to a justice court. The owner of the dog shall deliver the dog to the animal control authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
- (b) If the owner fails to deliver the dog as required by Subsection (a), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.
- (c) The court shall determine, after notice and hearing as provided in Section 3 whether the dog is a dangerous dog.
- (d) The court, after determining that the dog is a dangerous dog, may order the animal control authority to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog and the dog is returned to the owner or destroyed.
- (e) The owner shall pay a cost or fee assessed by the County related to the seizure, acceptance, impoundment, or destruction of the dog.

7.2. - Determination hearing.

- (a) The court, upon receiving a report of a dangerous dog situated within the county, shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.
- (b) The court shall give written notice of the hearing to the owner of the dog and the person who made the complaint. Such notice shall include the following:
 - (1) The place where the hearing will be conducted.
 - (2) The date and time of the hearing, which shall be not later than the tenth day after the impoundment of the animal; provided that the hearing officer may continue the hearing upon the written request of the owner or upon the written certification of the attending physician of a person injured by the dog that the injured person is not medically able to attend the hearing, or in the event that it is necessary to give notice of the hearing by newspaper publication

(3) That the owner may appear at the hearing and present evidence, cross examine witnesses and be represented by legal counsel.

(4) That the dog may be ordered euthanized if the hearing officer finds that it is a dangerous dog.

(5) That the owner may request a probable cause hearing pursuant to section 6 of this Order.

(b) The notice may be given by personal delivery or sent by certified mail, return receipt requested, to the last known address of the licensee or owner. If the court is unable to effect delivery of notice by personal delivery or by mail, the court shall cause the notice to be published one time in a newspaper of general circulation and to be posted in a conspicuous public place at the County's animal impoundment facility, each of which acts shall be done at least seven business days prior to the date of the hearing.

(c) The hearing shall be conducted by the justice court under rules consistent with the nature of the proceeding. The burden of proof shall be upon the County to establish, by a preponderance of the evidence presented at the hearing, that the dog is, a dangerous dog. At the conclusion of the hearing, the court shall enter a written order with factual findings as to whether the dog is a dangerous dog. At the conclusion of the hearing, the hearing court may:

(1) Determine that a dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its licensee or owner, provided that the dog may continue to be held, if required, for the duration of any rabies quarantine period as provided by this Order;

(2) Determine that a dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner in accordance with subsection (d) of this section; or

(3) Determine that a dog has killed or caused serious bodily injury to a person and order the dog to be seized and humanely euthanized.

(d) If a dog is determined to be dangerous, the court shall notify the owner, either in person or by certified mail, return receipt requested:

(1) That the dog is dangerous;

(2) Whether the dog has been ordered to be humanely euthanized;

(3) If the dog has not been ordered to be humanely euthanized, what the owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and

(4) That the owner has a right to appeal a determination of dangerousness or an order to euthanize.

(e) An impounded dog determined by the court to be dangerous shall remain impounded or

confined at a location approved by the director and will not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended from time to time. If all impoundment fees have not been paid and all requirements have not been met within 30 days after a final determination that a dog is dangerous, the court may cause the dog to be humanely euthanized.

7.3 - Requirements for owner of a dangerous dog.

(a) Not later than the 30th day after the date a owner learns that he is the owner of a dangerous dog that is not to be humanely euthanized, the owner shall:

- (1) Comply at all times with the requirements set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code;
- (2) Permit the animal control authority to implant a microchip in the dog which will identify it as a dangerous dog;
- (3) Affix a red, County-issued "dangerous dog" tag to the dog's collar that must be worn by the dog at all times and renewed annually;
- (4) Restrain the dangerous dog at all times on a leash, no longer than 6 feet in length, in the immediate control of a person at any time the dog is not in a secure enclosure;
- (5) Restrain the dangerous dog at all times with a muzzle at any time the dog is not in a secure enclosure;
- (6) Confine the dog in a secure enclosure, except as provided in the preceding item; and
- (7) Obtain liability insurance coverage in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the animal control authority.

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

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

- (1) the owner knows of an attack described in Section 822.0423 of this Order;
- (2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under Section 822.0423 of the Texas Health and Safety Code, as amended; or
- (3) the owner is informed by the animal control authority that the dog is a dangerous dog under this Order or Section 822.0421 of the Texas Health and Safety Code, as amended.

7.4 - Seizure and impoundment of a dangerous dog

(a) The justice court shall order seizure and impoundment, at the owner's expense, of any dog previously determined to be dangerous if:

- (1) The owner violates any provision of this Order or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended; or
- (2) The dog causes bodily injury to any person.

(b) If a previously determined dangerous dog has been seized and impounded under this section, the justice court shall conduct a hearing to determine if the dog should be returned to the owner or humanely euthanized. The hearing must be conducted within eight business days after the date of seizure, and the court shall provide written notice of the hearing either in person or by certified mail, return receipt requested, to the licensee or owner. In no event shall the hearing be conducted less than seven business days after the notice has been mailed or delivered to the licensee or owner.

(c) At the conclusion of a hearing required under this section, the court may order that the dog either be returned to the owner in accordance with subsection (d) of this section or be humanely euthanized.

(d) A dangerous dog seized and impounded under this section shall not be returned to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. If all impoundment fees have not been paid and all requirements have not been met within ten business days after the hearing officer issues the order to return the dog to the licensee or owner, the hearing officer may cause the dog to be humanely euthanized.

7.5. - Unlicensed dogs, rabies quarantine.

(a) The provisions of this Order shall not be construed to require the issuance of an impoundment order or the conduct of a hearing for the impoundment or euthanasia of any dog that is found to be running at large in violation of County ordinances. In the event that any dog impounded for such cause is claimed for redemption, the director may, if he has reason to believe that it is a dangerous dog, issue notice of a hearing pursuant to section 3 of this Order to the person claiming the dog and continue to hold the dog unless and until it is authorized to be released pursuant to section 3 or 5 of this Order.

(b) The provisions of this Order shall not be construed to require the issuance of an impoundment order for the impoundment of any dog for rabies quarantine pursuant to applicable provisions of the Order or state law. In the event that a dog is already impounded in the County's facilities for such reason, and the director determines that it may be a dangerous dog, he may issue a notice of hearing under section 3 or 5 of this Order and continue to hold the dog unless and until it is authorized to be released pursuant to section 3 or 5 of this Order.

7.6. - Appeal from a determination as a dangerous dog.

If the justice court determines a dog is a dangerous dog under section 3 of this Order, that decision is final unless the owner files a written appeal with the County Court at Law not later than the 10th day after the date the owner received notice that the dog is dangerous. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the justice court's determination of dangerousness.

7.7. - Appeal from an order to euthanize.

If the justice court orders a dangerous dog to be humanely euthanized under section 3 or section 5 of this Order, that decision is final unless the owner files a written appeal with the County Court at Law within five business days after receiving notice of the order to euthanize. If an appeal is timely filed, the director shall suspend the order to euthanize pending final determination of the court. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the justice court's order to euthanize.

7.8. - Dangerous dog owned or harbored by minor.

If the owner of a dangerous dog is a minor, the parent or guardian of the minor shall be liable for all injuries and property damage sustained by any person or domestic animal in an unprovoked attack by the dog.

7.9 - Violations; defenses.

- (a) A person commits an offense if he violates, or fails to perform an act required by, a provision of this Order or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.
- (b) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (c) An offense under this Order is a Class C misdemeanor.
- (d) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed.
- (e) It is a defense to prosecution under this Order that:
 - (i) the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position; or
 - (ii) the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; or

(iii) the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Texas Occupations Code.

7.10. - Dangerous dog database.

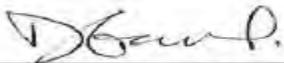
The animal control authority shall maintain a detailed database of all dogs deemed to be dangerous. The database shall include, but not be limited to, information such as the licensee's or owner's name, address, phone number, the dangerous dog case number, the assigned microchip number, and all identifying information regarding the dog.

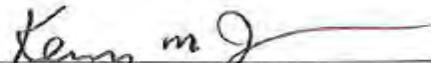
7.12. - Effective Date

This Order shall become effective from and after the date of its passage, and it is accordingly so ORDERED.

PASSED and APPROVED on the 17 day of August, 2015.


BEN ZELLER, Victoria County Judge


DANNY GARCIA,
Commissioner, Precinct 1


KEVIN M. JANAK,
Commissioner, Precinct 2


GARY BURNS,
Commissioner, Precinct 3


CLINT IVES,
Commissioner, Precinct 4

Attest:


HEIDI EASLEY, County Clerk



AGREEMENT - 24TH DISTRICT COMMUNITY SUPERVISION AND CORRECTIONS
DEPARTMENT - VICTORIA CITY-COUNTY HEALTH DEPARTMENT:

(11c-10:37)

11c. February 9, 2015. Moved by Clint C. Ives and seconded by Gary Burns, the Commissioners Court approved the agreement with the 24th District Community Supervision and Corrections Department for the Victoria City-County Health Department. Mrs. Brecka Tieken, Chief Animal Control Officer, was present and answered questions from the Court. Motion adopted.



2805 N NAVARRO ST
VICTORIA, TX 77901-3946
Bain C. Cate, M.D., Director

Phone (361) 578-6281
Fax (361) 578-7046

January 30, 2015

Honorable Judge Ben Zeller
Victoria County Commissioners' Court
101 N BRIDGE ST STE 102
VICTORIA, TX 77901-6545

Judge Zeller,

It is my privilege to submit to Victoria County Commissioners' Court (VCCC) two original agreements between the 24th Judicial District Community Supervision and Corrections Department (CSCD) and Victoria City-County Animal Control. Mrs. Tieken, Chief Animal Control Officer, has researched adding Community Service Restitution Program participants to the workforce at the Victoria City-County Animal Shelter in order to perform shelter cleaning activities, mowing, and general maintenance duties, as described in the attached Shelter Care Attendant Job Description. If you anticipate that the Court will have questions about the agreement, Mrs. Tieken will be available to discuss the details.

The attached agreement is the standard agreement offered by CSCD to any organization who wishes to utilize the participants, which occurs at no cost to Victoria County. The agreement, if reviewed and approved by VCCC, will need the County Judge's signature on both originals. After the documents are processed by the Victoria County Clerk's Office, they will be returned to CSCD for authorized signature in order to be fully executed. Once the fully executed agreement is returned to Victoria City-County Animal Control, it will be submitted for receipt by VCCC.

Sincerely,

A handwritten signature in cursive script that reads "Bain C. Cate, M.D.".

Bain C. Cate, M.D.



COMMUNITY SERVICE RESOLUTION AGREEMENT

I. PURPOSE:

This agreement provides the basis under which the 14th Judicial District Community Suspension and Corrections Department (CSCD) and CSR Worksite will carry out their meter-related activities. The ultimate purpose of this agreement is to provide offenders the opportunity to repay a portion of the injury to society by performing useful work for a governmental or non-profit agency.

II. WORKSITE RESPONSIBILITIES:

The CSR Worksite agrees to provide work assignments that can be completed by the defendant and that does not impose a burden on the defendant. As per agreement with the court, only work at or for an approved CSR Worksite is permitted. A defendant who has a relationship with any worksite location will not perform Community Service hours at that worksite due to the perceived conflict of interest. A defendant will not be allowed to perform CSR hours at a worksite at which he/she is a paid employee. Should a worksite become aware that a conflict of interest exists, the worksite shall contact the CSCD immediately for removal of the defendant. CSR Worksite personnel shall not utilize community service worksites for personal tasks or give credit for work in exchange for payment (personal favors). No CSR Worksite shall commute or reduce community service restitution through extra credit, exchange of material goods or any other means without the express permission of the court. A CSR Worksite may request that extra credit be given to a CSR participant by submitting in writing the reason why they feel that extra credit is deemed appropriate.

The CSR Worksite will:

- .. Keep information regarding CSR participant confidential.
- .. Provide the defendant with instructions or training that may be required to complete job assignments.
- .. Provide an appropriate supervisor to oversee the defendant's work, to ensure safety and security of the worksite and to insure that no unfounded complaints are made against the defendant.
- .. Keep an accurate record of the hours worked on the timesheet provided by the CSCD and report these hours to the CSCD weekly or bi-weekly.
- .. Not allow the defendant to wear sandals or open toe footwear while performing CSR hours.
- .. Not allow defendant to take children, family or friends to the agency while performing CSR.
Immediately notify the CSCD if the defendant is unsuitable for work assignment.
- .. Provide the defendant a copy of the timesheet monthly, upon request.

Once the defendant completes all CSR hours, the worksite is to give the defendant their original timesheet so that the timesheet may be submitted to the J1-Supervisor. The worksite may terminate a defendant from the worksite at any time. The worksite is to non-notify the CSR Coordinator SJJD advise of the reason for the termination. The Worksite supervisor should advise the CSCD if termination is due to performance problems, not keeping with assigned work schedules, behaving in an uncooperative manner, or committing an infraction of agency rules.

Prior to beginning a worksite the CSR Worksite will provide the information required on the attached CSR Worksite Information Sheet.

m. CSCD RESPONSIBILITIES;

The CSCD level VS the CSR Program requirement with the defendant *prior* to worksite assignments. This includes:

- Avoid dangerous situations while performing CSR duties.
- Have major medical or hospitalization insurance.
- Obtain this coverage.
- Pay for any costs incurred by the defendant for any medical expenses resulting from injuries or illness while performing Community Service Restitution.
- Notify their officer if they believe they have been asked to perform a dangerous activity.

The CSCD will:

- Screen the defendants prior to placement at CSR Worksites.
- Provide each defendant a timesheet with the specific number of hours and time for completion as well as including the offense.
- Advise the defendant to contact the CSR Worksite to schedule an initial meeting with the worksite supervisor.
- Advise the defendant to follow the CSCD dress code while performing Community Service Restitution.

IV. PROCEDURES FOR PROCESSING INJURIES ON CSR WORKSITE:

It is hoped that since the CSR Worksites are not involving defendants in any dangerous activities that injuries will only be of a minor nature. However, regardless of the extent of the injury, it should be treated as a serious situation, and proper steps should be followed to ensure that prompt medical attention is given, if needed. Follow these instructions and procedures closely, so that the chances of major problems can be avoided later.

- Determine the extent of the injury. If medical attention is needed, the defendant should be referred immediately for medical attention to his doctor, or to the hospital.
- If defendant has no physician, the worksite supervisor should contact the probation CSR officer. All defendants should either have insurance or be required to pay for any medical costs incurred as a result of injuries or illnesses suffered while performing community service restitution.
- Any time spent in receiving medical attention due to the injury should be counted as actual time worked on CSR.
- Upon return to CSR Worksites, defendant should be required to provide documentation that medical attention was sought for his injury. A doctor's statement or bill will be sufficient. A copy of this should be kept in the worksite's file and a copy forwarded

to the CSCD. If there is no proof of medical services for the injury, notify the CSR Coordinator.

- If the defendant refuses or cannot afford medical attention, the CSCD should be informed. In the case of an arrest, this should be documented by the worksite supervisor and a copy sent to the CSCD. If the defendant is indigent, the CSCD will pay for the cost of the necessary immediate emergency medical services even though the CSCD is not liable for this cost.
- If medical authorities ask you who will be paying for any medical services, tell them the defendant should be billed. If the defendant cannot pay for the initial medical services, then the CSCD will pay for it.
- Immediately upon becoming injured, the defendant is to notify the worksite supervisor, and the worksite supervisor is to immediately notify the CSCD.

V. PROCEDURES FOR CHANGES TO CONTRACT:

Either agency requesting changes to this contract must do so in writing on agency letterhead, to include the date that changes take effect.

The CSCD or CSR Worksite may terminate this agreement at any time by providing written notice to the Office of same.

241h Judicial District Community
Supervision and Corrections Department
P.O. BOX 165
VICTORIA, TX 77902
361-578-0201; FAX #361-57 9554

by _____
Unit Supervisor / CSR Coordinator

Date

Worksite Supervisor or Designee Signature

2 / 1 ()

Date

CSR WORKSITE INFORMATION SHEET

Victoria City-County Animal Control

Worksite Name

746002445

Tax ID# (Attach a copy of incorporation papers if available)

122 Perimeter Road, Victoria, TX 77905 (2805 N. Navarro, 77901)

Physical / Mailing Address

361-578-3564

361-578-6841

Phone

Fax

btieken@vctx.org

Email

M-Th 8am-5pm, F 8am-3pm

Days & Hours of Operation

Brecca Tieken

Contact Person(s)

List available work assignments and brief description.

Clean shelter kennels and general maintenance, duties outlined in shelter care job description.

List days and times available for defendants to work.

M-Th 8am-5pm, F 8am-3pm

List any alternate address where workers may be used.

N/A

If applicable, list the types of defendants (i.e., under 21 years of age; male/female) or offense type (i.e., theft, assault) the agency does not want assigned to the CSR worksite.

Firearm, Sex offenders, hardcore drug offenders, animal cruelty convictions, severe Axis I & II disorders.

Special Requirements: (attach copy of any applicable documents; i.e., agency policy / rules)

All Signers:

2 et.w-

Print Name

Signature

Print Name

Signature

Print Name

Signature

VICTORIA COUNTY JOB DESCRIPTION

JOB TITLE: SHELTER CARE ATTENDANT, PART-TIME, SHELTER
DEPARTMENT: HEALTH
DIVISION: ANIMAL CONTROL
REPORTS TO: CHIEF ANIMAL CONTROL OFFICER, ASSISTANT SUPERVISOR
FLSA: NON-EXEMPT
CLASSIFICATION: ESSENTIAL

SUMMARY

Employee performs all routine activities of the Animal Control Division of the Victoria City-County Health Department (VCCHD), but will predominantly participate in activities related to the Animal Shelter.

ESSENTIAL DUTIES AND RESPONSIBILITIES

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Assists with overall care of all the animals within the shelter.
- Assists in the practice of euthanasia to ensure safe and humane treatment, and dispose of unwanted, unclaimed, sick, injured and aged animals, handle dead and decomposing animal carcasses.
- Assists in the enforcement of quarantine and dangerous animal procedures to protect public health.
- Works cooperatively with other law enforcement groups and animal-related organizations.
- Receives animals at the Animal Shelter facility and is responsible for their proper identification.
- Treats and/or secures professional help for seriously injured animals.
- Assists customers in choosing and adopting animals.
- Assists in running the animal incinerator when needed.
- Thoroughly clean and disinfect all areas of the shelter as often as is deemed necessary.
- Cleans and sanitizes all cages, runs and related areas.
- Wash, dry, fold and put away all towels, blankets and bedding.
- Wash and sterilize water and food bowls.
- General cleaning.
- Patrol shelter grounds daily, picking up any trash and stool material.
- Perform needed cleaning and maintenance of all equipment and tools used in job assignments.
- Unpacking, labeling and stocking of shelter supplies.
- Recognize and records any unusual condition or abnormal behavior of any shelter animal.
- Reports signs of illness, disease, injury or unusual activity to supervisor(s).

SUPERVISORY RESPONSIBILITIES

- **None.**

EDUCATION AND/OR EXPERIENCE

- Education equivalent to graduation from an accredited high school.

LANGUAGE SKILLS

- Ability to read a limited number of two and three syllable words and to recognize similarities and differences between words and between series of numbers.
- Ability to print and speak simple sentences.

MATHEMATICAL SKILLS

- Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's.
- Ability to perform these operations using units of American money and weight measurement, volume, and distance.

REASONING ABILITY

- Ability to apply common sense understanding to carry out simple one or two step instructions.
- Ability to deal with standardized situations with only occasional or no variables.

CERTIFICATES, LICENSES, REGISTRATIONS

- Valid Texas Driver's License.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Sit at a desk, talk, and/or hear under 1/3 of the time.
- Stand, walk, reach with hands and arms, climb or balance, stoop, kneel, crouch, crawl, taste and/or smell from 1/3 to 2/3 of the time.
- Up to 100 pounds lifting from 1/3 to 2/3 of the time.
- Over 100 pounds lifting none of the time.
- Close vision, at 20 inches or less, and distance vision, at 20 feet or more, is required, with or without correction.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Exposure to wet or humid conditions, work near moving mechanical parts, work in high or precarious areas, fumes or airborne particles, toxic or caustic chemicals, outdoor weather conditions, and extreme heat (non-weather) occurs under 1/3 of the time.
- Extreme cold (non-weather), risk of electric shock, work with explosives, risk of radiation, and/or vibration occurs none of the time.
- Exposure to moderate noise levels.

CONSIDER - REVISION OF THE ORDER FOR CONTROL OF ANIMALS - CONTROL OF RABIES - DANGEROUS DOGS - PUBLIC HEALTH AND SAFETY - CHAPTER 822 - TEXAS HEALTH AND SAFETY CODE - VICTORIA COUNTY - VICTORIA CITY/COUNTY HEALTH DEPARTMENT:

(10:00-9-9: 10)

9. July 30, 2012. Judge Pozzi discussed the various events leading up to the consideration of this ordinance. He stated the Order has been revised to reflect one ordinance for simplicity. He stated that in his opinion that the "protective pet ordinance" is for the safety of animals as well as for the public. Moved by Clint C. Ives and seconded by Gary Burns, the Commissioners Court adopted the revised Order for Control of Animals and Control of Rabies and regulating dangerous dogs In Victoria County, Texas. Motion adopted. All per Order as filed in the minutes of this Court.

**IN THE COMMISSIONERS COURT
VICTORIA COUNTY, TEXAS**

**ORDER CONCERNING REGULATIONS OF VICTORIA COUNTY, TEXAS
FOR CONTROL OF ANIMALS AND CONTROL OF RABIES; PROVIDING FOR THE
REGULATION OF DANGEROUS DOGS; PROVIDING PENALTIES; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

PREAMBLE

ON THIS, the 30 thday of Ju ly , 2012, the Commissioners' Cou rt of Victoria County, Texas, in a duly noticed meeting of said Comt, the following members thereof being present, namely:

DONALD R. POZZI, County Judge,
KENNY SPANN, Commissioner, Precinct I,
KEVIN M. JANAK, Commissioner, Precinct 2,
GARY BURNS, Commissioner, Precinct 3,
CLINT IVES, Commissioner, Precinct 4,

The following proceedi ngs, among others, were had, to wit:

WHEREAS, it is the desire of this Comt to continue to provide the following regulations for iabies control in the animal population, for repmtng of humall bites from animals susceptible to rabies, for quarantine proced ures for animals, for animals running at large, for impounded animals for safety provisions, and for funding and disposition of monies collected by the Victoria City-County Health Department Animal Control Division; and

WHEREAS an original Order Concerning Regulations of Victoria County , Texas for Control of Animals and Control of Rabies adopting said regulations was adopted by the Commissioners' Court of Victoria County, Texas on the 14th day of April, 1980; and

WHEREAS amendments to the original Order adopting said regulations were approved by the Commissioners' Court of Victoria County, Texas on subsequent dates, including the 18th day of July, 1983, the 14th day of August, 2000, the 22nd day of September, 2003, and the 11th day of April, 2011; and

WHEREAS the Commissioners Court of Victoria County, Texas finds that a substantial need exists to enact an Order regard ing dangerous dogs within Victoria County, Texas; and

WHEREAS the Commissioners Court of Victoria County, Texas is authorized to enact policies regarding dangerous dogs pursuant to Chapter 822 of the Texas Health and Safety Code; and

WHEREAS it is the intent of the Commissioners Comt to enact this Order relating to dangerous dogs in the County; and

WHEREAS on April 11, 2011, the Commissioners Court adopted a consolidated, updated Order Concerning Regulations of Victoria County, Texas for Control of Animals and Control of Rabies ("April 11, 2011 Order"); and

WHEREAS the Commissioners Court now intends to adopt this Order for the Regulation of Dangerous Dogs, and intends the provisions of this Order to supersede the provisions of Section 6 of the April 11, 2011 Order that address "Vicious Animals," as that term is defined in the April 11, 2011 Order; and

WHEREAS, it would be prudent to have on file a consolidated, updated Order for the purpose of quick reference by Victoria County citizens, Victoria County Health Department Animal Control Division employees, Victoria County officials, and other persons or agencies in need of such a document; and

WHEREAS, occasional punctuation and numerical corrections and other conforming changes were made to the April 11, 2011 Order, without changing the original intent of said Order, except for the provisions of this Order addressing Dangerous Dogs which now supersede the provisions of the April 11, 2011 Order that addressed Vicious Animals;

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF VICTORIA COUNTY, TEXAS, THAT:

ORDER OF THE COMMISSIONERS COURT

Section 1. "Definitions"

As used in this Order the following words and phrases shall have the meanings herein ascribed to them, unless the content of their usage clearly indicates another meaning:

- (a) "*Bodily Injury*" means physical pain, illness, or any impairment of physical condition that results from a bite or attack by a dog.
- (b) "*Cat*" shall mean any live or dead cat (e.g., *felis catus*).
- (c) "*Dangerous dog*" means a dog that:
 - (1) has been determined to be a dangerous dog, as provided in section 822.043 of the Texas Health and Safety Code, as amended;
 - (2) 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;
 - (3) 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.

- (d) "*Currently Vaccinated*" means vaccinated and satisfying the following criteria:
- (1) The animal must have been at least three (3) months of age at the time of vaccination.
 - (2) At least thirty (30) days have elapsed since the initial vaccination.
 - (3) In reference to the first booster vaccination, not more than twelve (12) months have elapsed since the initial vaccination.
 - (4) In reference to subsequent booster vaccinations, not more than thirty six (36) months have elapsed since the most recent vaccination.
- (e) "*Director*" means the director of the Victoria City-County Health Department, or an authorized representative of such Director.
- (f) "*Dog*" means a domesticated animal that is a member of the canine family, live or dead.
- (g) "*Domestic Animal*" shall include all species of animals commonly and universally accepted as being domesticated.
- (h) "*Hearing officer*" shall mean the director or any person he may designate to conduct a hearing under this Order, provided such person shall not have participated in any investigation of the facts regarding the alleged dangerous dog or be in the chain of command of any such person.
- (i) "*Harboring*" means the act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care for a period of ten (10) days.
- (j) "*Local Health Authority*" means the Director of the Victoria City-County Health Department, or an authorized representative of such Director. This includes a person designated to receive report of animal bites, investigate bite reports, insure quarantine or possible rabid animals and otherwise carry out provisions of the Texas law pertaining to control and eradication of rabies.
- (k) "*Owner*" means a person, firm or corporation who:
- (1) owns or has custody or control of a dog;
 - (2) has right or property interest in an animal;
 - (3) harbors an animal; or
 - (4) allows an animal to remain about his premises for a period of ten (10) days.
- (l) "*Per Animal*" shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, nonhuman primates and any other species of wild, exotic or carnivorous animal that may be further restricted in this law.
- (m) "*Running at Large*" shall mean not completely confined to a building, wall, or fence of

sufficient strength or construction to restrain the animal, except when such an animal is either on leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed "running at large".

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

- (1) At least 6 feet in height;
- (2) Locked;
- (3) Capable of preventing the entry of the general public, including children;
- (4) Capable of preventing the escape or release of a dangerous dog; and
- (5) Clearly marked as containing a dangerous dog.

(o) "*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.

(p) "*Stray Animal*" means any animal for which there is no identifiable owner or harborer.

(q) "*Unprovoked*" means action by a dog that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, or nursing offspring.

(r) "*Vaccinated*" means 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. -Rabies Control

2.1 Vaccinations

The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four (4) months of age, vaccinated with a booster within the twelve (12) month interval following the initial vaccination, and revaccinated at regular intervals not less than once every thirty six (36) months thereafter. Any person moving into the County from a location outside of the County shall comply with this Order within ten (10) days after having moved into the County. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period.

2.2 Certificate of Vaccination

Upon vaccination, the veterinarian shall execute and furnish the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. 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
- (d) The breed, age, color, and sex of the vaccinated dog or cat.

2.3 Rabies Tags

Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.2, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

2.4 Duplicate Tags

In the event of loss or destruction of the original tag provided in Section 2.3, the owner or the dog shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animals for which it was originally issued.

2.5 Proof

It shall be unlawful for a person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Order.

2.6 Harboring Unvaccinated Animals

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

2.7 Animals Exposed to Rabies

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the Local Health Authority, giving any information which may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

- (a) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the Local Health Authority for a period of not less than ninety (90) days.
- (b) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the Local Health Authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one month prior to release from quarantine.

2.8 Enforcement

The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to the owner of an animal found to be in violation of any provisions of this Section. Said summons shall contain a written promise by such owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons. Violations of any provision of this section shall be a Class C misdemeanor punishable with a fine of \$100.00.

Section 3. - Reporting Human Bites from Animals Susceptible to Rabies: Related Procedures

3.1 Reporting

Any person having knowledge of an animal bite to a human will report the incident to the Local Health Authority as soon as possible, but not later than twenty four (24) hours from the time of the incident.

3.2 Quarantine

The owner of the biting animal will place that animal in quarantine as prescribed in Section 4, under the supervision of the Local Health Authority.

3.3 Investigation

The Local Health Authority will investigate each biting incident, utilizing standardized reporting forms provided by the Texas Department of State Health Services.

3.4 Exclusions.

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

Section 4, - Quarantine Procedures for Animals

4.1 Dogs or Cats

When a dog or cat that has bitten a human has been identified, the owner will be required to produce the animal for ten (10) days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The ten (10) day observation period will begin on the day of the bit incident. The animal must be placed in the animal control facilities or a veterinary hospital approved for that purpose by the Local Health Authority. However, the owner of the animal may request permission from the Local Health Authority for home quarantine if the following criteria can be met:

- (a) Secure facilities must be available at the home of the animal's owner, and must be approved by the Local Health Authority.
- (b) The animal is currently vaccinated against rabies.
- (c) The Local Health Authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the Local Health Authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
- (d) The animal was not in violation of any laws at the time of the bite.
- (e) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

4.2 Wild Animals

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

Section 5. –Running at Large

5.1 Restraining

Whenever the Local Health Authority shall determine that it is in the best interest of the safety of the public to do so, he shall issue a proclamation declaring an emergency and prohibiting dogs to run at large for a period of ninety (90) days. And such proclamation shall be published in the newspapers of this County for one publication. During the period of ninety (90) days subsequent to any such publication, it shall be unlawful for any owner of any dog to allow such dog to run at large. If at the end of ninety (90) days, at the discretion of the Local Health Authority, the situation still exists, said proclamation may be reinstated by the Local Health Authority for an additional ninety (90) days ad infinitum in the above described manner until it is determined by the Local Health Authority that such an emergency no longer exists.

5.2 Nuisance

It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which by a long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood. Such disturbance is hereby declared to be a public nuisance and a violation of this Order.

5.3 Abandoning Animals

It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal, or to withhold food or water from any animal such that its health is endangered or it is caused to suffer unduly.

5.4 Guard Dogs

It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property, unless the dog is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.

5.5 Enforcement

A violation of Section 5 shall be considered a Class C misdemeanor punishable by a fine of up to \$135.00 upon conviction. The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to a person in violation of Section 5. Said summons shall contain a written promise by the owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons.

5.6 Public Safety

Any dangerous dog found running at large may be destroyed by any peace officer in the interest of public safety.

Section 6. - Impounded Animals

6.1 Impoundment

Animals owned or harbored in violation of this Order or any other Law of the State of Texas may be taken into custody by the County Sheriff, his Deputy, or an Animal Control Officer, and impounded. Stray animals shall be similarly impounded.

6.2 Animal Shelter

A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this Order. Such shelter shall be constructed in accordance with recommendations from the Texas Department of State Health Services. In lieu of constructing a shelter, the County may contract with any licensed veterinarian to provide this service at a fee mutually agreed upon and having a suitable facility within the County that has been approved by the Texas Department of State Health Services.

6.3 Removal of Animals from Animal Shelter

It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Local Health Authority or other impounding official or agency.

6.4 Removal of Biting Dogs and Cats from Confinement

The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the proper officer or agency is secured.

6.5 Disposition of Impounded Animals

As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of the impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Commissioners' Court. If such animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the rabies vaccination charges, and such other costs as set by the Commissioners' Court, or the impoundment officer may humanely euthanize said animal.

6.6 Disposition of Impounded Animals Held on Complaint

If a complaint has been filed in a Justice Court of the County of Victoria against the owner of an impounded animal for violation of this Order, the animal shall not be released except on the order of the Court which may also direct the owner to pay any penalties for violation of this Order in addition to all impoundment fees. Surrender of an animal by the owner thereof to the peace officer does not relieve or render the owner immune from the decision of the Court, nor the fees and fines which may result from a violation or violations of this Order.

6.7 Disposition of Diseased Animals

Any animal taken into custody by an Animal Control Officer, except those animals which have inflicted human bites during the preceding ten (10) days, and that are visibly affected with any sign of communicable disease other than rabies, which are being held at the impounding facility, may instead of being impounded, be humanely destroyed, provided:

- (a) That any animal which has inflicted any human or animal bite during the preceding ten (10) days have its head removed by the Animal Control Officer and submitted to the laboratory for rabies examination.
- (b) Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the Local Health Authority.

Section 7, -Dangerous Dogs

7.1 Impoundment order; surrender

(a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog situated within the County may constitute a dangerous dog, the director shall cause an investigation to be conducted. If upon investigation, the director reasonably believes that grounds exist to declare the dog a dangerous dog, he shall issue a written order, which includes the factual basis for the order, that the dog be impounded at the County's animal impoundment facilities at the licensee's or owner's expense pending a hearing to determine whether the dog is dangerous as defined in this Order.

(b) It shall be unlawful for any person to refuse to surrender to any County officer or employee who has presented a true copy of such order to the person any dog for which an impoundment order has been issued.

7.2 Determination hearing

(a) The director shall cause written notice to be given to the owner that a hearing will be conducted to determine whether the animal is a dangerous dog. Such notice shall include the following:

- (1) The place where the hearing will be conducted.
- (2) The date and time of the hearing, which shall be not later than the tenth day after the impoundment of the animal; provided that the hearing officer may continue the hearing upon the written request of the owner or upon the written certification of the attending physician of a person injured by the dog that the injured person is not medically able to attend the hearing, or in the event that it is necessary to give notice of the hearing by newspaper publication.
- (3) That the owner may appear at the hearing and present evidence, cross examine witnesses and be represented by legal counsel.

(4) That the dog may be ordered euthanized if the hearing officer finds that it is a dangerous dog.

(5) That the owner may request a probable cause hearing pursuant to section 6 of this Order.

(b) The notice may be given by personal delivery or sent by certified mail, return receipt requested, to the last known address of the licensee or owner. If the director is unable to effect delivery of notice by personal delivery or by mail, he shall cause the notice to be published one time in a newspaper of general circulation and to be posted in a conspicuous public place at the County's animal impoundment facility, each of which acts shall be done at least seven business days prior to the date of the hearing.

(c) The hearing shall be conducted by the hearing officer under rules consistent with the nature of the proceeding. The burden of proof shall be upon the County to establish, by a preponderance of the evidence presented at the hearing, that the dog is, a dangerous dog. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer may:

(1) Determine that a dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its licensee or owner, provided that the dog may, continue to be held, if required, for the duration of any rabies quarantine period as provided by this Order;

(2) Determine that a dog is dangerous and order "the owner to comply with the requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is " impounded, release the dog to its owner in accordance with subsection (d) of this section, provided that the dog may continue to be held, if required, for the duration of any rabies quarantine period as provided by this Order; and

(3) Determine that a dog has killed or caused serious bodily injury to a person and order the dog to be seized and humanely euthanized.

(d) If a dog is determined to be dangerous, the director shall notify the owner, either in person or by certified mail, return receipt requested:

(1) That the dog is dangerous;

(2) Whether the dog has been ordered to be humanely euthanized;

(3) If the dog has not been ordered to be humanely euthanized, what the owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and

(4) That the owner has a right to appeal a determination of dangerousness or an order to euthanize.

(e) An impounded dog determined by the hearing officer to be dangerous shall remain impounded or confined at a location approved by the director and will not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended from time to time. If all impoundment fees have not been paid and all requirements have not been met within 30 days after a final determination that a dog is dangerous, the hearing officer may cause the dog to be humanely euthanized.

7.3 Requirements for owner of a dangerous dog

(a) Not later than the 30th day after the date an owner learns that he is the owner of a dangerous dog that is not to be humanely euthanized, the owner shall:

- (1) Comply at all times with the requirements set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code;
- (2) Permit the Local Health Authority to implant a microchip in the dog which will identify it as a dangerous dog;
- (3) Affix a red, County-issued "dangerous dog" tag to the dog's collar that must be worn by the dog at all times and renewed annually;
- (4) Restrain the dangerous dog at all times on a leash, no longer than 6 feet in length, in the immediate control of a person at any time the dog is not in a secure enclosure;
- (5) Restrain the dangerous dog at all times with a muzzle at any time the dog is not in a secure enclosure;
- (6) Confine the dog in a secure enclosure, except as provided in the preceding item; and
- (7) Obtain liability insurance coverage in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the Local Health Authority.

(b) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the Local Health Authority not later than the 30th day after the owner learns that the dog is dangerous.

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

- (1) the owner knows of an attack described in Section I(c) of this Order;
- (2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under Section 822.0423 of the Texas Health and Safety Code, as amended; or
- (3) the owner is informed by the Local Health Authority that the dog is a dangerous dog

under this Order or Section 822.0421 of the Texas Health and Safety Code, as amended.

7.4 Seizure and impoundment of a dangerous dog

{a) The director shall seize and impound or order seizure and impoundment, at the owner's expense, of any dog previously determined to be dangerous if:

{1) The owner violates any provision of this Order or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended; or

(2) The dog causes bodily injury to any person.

{b) If a previously determined dangerous dog has been seized and impounded under this section, the hearing officer shall conduct a hearing to determine if the dog should be returned to the owner or humanely euthanized. The hearing must be conducted within eight business days after the date of seizure, and the hearing officer shall provide written notice of the hearing either in person or by certified mail, return receipt requested, to the licensee or owner. In no event shall the hearing be conducted less than seven business days after the notice has been mailed or delivered to the licensee or owner.

(c) At the conclusion of a hearing required under this section, the hearing officer may order that the dog either be returned to the owner in accordance with subsection (d) of this section or be humanely euthanized.

(d) A dangerous dog seized and impounded under this section shall not be returned to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Order and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. If all impoundment fees have not been paid and all requirements have not been met within ten business days after the hearing officer issues the order to return the dog to the licensee or owner, the hearing officer may cause the dog to be humanely euthanized.

7.5 Probable cause hearing.

Any owner whose dog has been impounded may, at any time prior to the hearing scheduled pursuant to section 3 or section 5 of this Order, request an informal probable cause hearing by written request delivered to the office of the director. The hearing officer shall conduct the hearing within 48 hours after receipt of the request, Saturdays, Sundays and County holidays excepted. The hearing shall be conducted informally, and the hearing officer may consider County investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the licensee or owner. If the hearing officer finds that a probable cause does not exist to detain the dog for a hearing under section 3 of this Order, he shall cause the impoundment order to be withdrawn. If the impoundment order is withdrawn, the animal shall be forthwith released, provided that it may continue to be held, if required, for the duration of any rabies quarantine period as provided by this Order.

7.6 Unlicensed dogs, rabies quarantine

(a) The provisions of this Section shall not be construed to require the issuance of an impoundment order or the conduct of a hearing for the impoundment or euthanasia of any dog that is found to be running at large in violation of County ordinances. In the event that any dog impounded for such cause is claimed for redemption, the director may, if he has reason to believe that it is a dangerous dog, issue notice of a hearing pursuant to subsection 7.3 of this Order to the person claiming the dog and continue to hold the dog unless and until it is authorized to be released pursuant to subsection 7.3 or 7.5 of this Order.

(b) The provisions of this Section shall not be construed to require the issuance of an impoundment order for the impoundment of any dog for rabies quarantine pursuant to applicable provisions of the Order or state law. In the event that a dog is already impounded in the County's facilities for such reason, and the director determines that it may be a dangerous dog, he may issue a notice of hearing under subsection 7.3 or 7.5 of this Order and continue to hold the dog unless and until it is authorized to be released pursuant to subsection 7.3 or 7.5 of this Order.

7.7 Appeal from a determination as a dangerous dog

If the hearing officer determines a dog is a dangerous dog under subsection 7.3 of this Order, that decision is final unless the owner files a written appeal with the County Court at Law not later than the 15th day after the date the owner received notice that the dog is dangerous. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness.

7.8 Appeal from an order to euthanize

If the hearing officer orders a dangerous dog to be humanely euthanized under subsection 7.3 or subsection 7.5 of this Order, that decision is final unless the owner files a written appeal with the County Court at Law within five business days after receiving notice of the order to euthanize. If an appeal is timely filed, the director shall suspend the order to euthanize pending final determination of the court. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's order to euthanize.

7.9 Dangerous dog owned or harbored by minor

If the owner of a dangerous dog is a minor, the parent or guardian of the minor shall be liable for all injuries and property damage sustained by any person in an unprovoked attack by the dog.

7.10 Violations; defenses

(a) A person commits an offense if he violates, or fails to perform an act required by, a provision of this Section or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

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

injury to the other person,

(c) An offense under this Section is a Class C misdemeanor.

(d) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed.

(e) It is a defense to prosecution under this Order that:

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

(ii) the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; or

(iii) the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Texas Occupations Code.

7.11 Dangerous dog database

The Local Health Authority shall maintain a detailed database of all dogs deemed to be dangerous. The database shall include, but not be limited to, information such as the licensee's or owner's name, address, phone number, the dangerous dog case number, the assigned microchip number, and all identifying information regarding the dog.

Section 8. -Funding -Disposal of Monies Collected

8.1 Funding

Funds shall be set aside by the Commissioners' Court of Victoria County, Texas, for the purposes of salaries, equipment and supplies necessary to the implementation of this Order. Annually, the Victoria City-County Health Department Animal Control Division will submit a proposed budget to the Commissioners' Court for approval and/or revision.

8.2 Disposition of Monies Collected

All monies collected pursuant to the provisions of this Order shall go into the general fund of the Treasury of Victoria County, Texas, and may be used by the Commissioners' Court to partially defray the expense of implementing this Order.

Section 9. -Miscellaneous Provisions

9.1 Interference with the Local Health Authority or his Authorized Agents

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Local Health Authority or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this Order.

9.2 Penalty for Violation

Any person who violates any of the provisions of this Order shall be guilty of a Class-C misdemeanor.

9.3 Severance Clause

If any section, subsection, sentence, clause or phrase of this Order is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Order.

9.4. Safety Clause

The Commissioners' Court of Victoria County hereby finds, determines, and declares that this Order is necessary for the immediate preservation of the public peace, health, and safety.

9.5 Repealer

All other Orders and parts of the Orders in conflict herewith are hereby repealed.

9.6 Municipal Ordinances to Supersede

The promulgation and establishment of these regulations by the Victoria County Commissioners' Court shall not prevent or jeopardize a corporate municipality within the County from establishing any rules and regulations to prevent the introduction and spread of rabies and the control of animals within their corporate limits, and such ordinances established by said corporate municipalities shall supersede the County Order within the municipality so that dual enforcement will not occur.

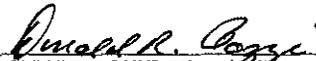
9.7 Effective Date

This act shall take and be in effect on and after the 30TH day of JULY 2012.

9.8 Certified Copies

A certified copy of this Order shall be delivered to the County Treasurer and County Auditor of Victoria County, Texas, for their information and observance.

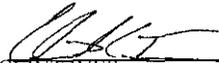
PASSED and APPROVED on the 30th day of July, 2012


DONALD POZZI, Victoria County Judge


KENNY SPANN,
Commissioner, Precinct 1


KEVIN M. JANAK,
Commissioner, Precinct 2

Commissioner, Precinct 3


CLINT FIVES,
Commissioner, Precinct 4

Attest:


ROBERT CORTEZ, County Clerk



ORDER - CONCERNING REGULATIONS OF VICTORIA COUNTY, TEXAS -
CONTROL OF ANIMALS AND CONTROL OF RABIES - HEALTH DEPARTMENT:
(966-1080)

11. April 11, 2011. Motion by Kevin M. Janak and seconded by Gary Burns, the Commissioner's Court approved Order concerning Regulations of Victoria County, Texas for Control of Animals and Control of Rabies. Motion adopted.

ORDER CONCERNING REGULATIONS OF VICTORIA COUNTY, TEXAS
FOR CONTROL OF ANIMALS AND CONTROL OF RABIES

PREAMBLE

ON THIS, the 11th day of June, 2011, the Commissioners' Court of Victoria County, Texas, being in regular session at a regular term of said Court, the following members thereof being present, namely:

DONALD R. POZZI, County Judge,
KENNY SPANN, Commissioner, Precinct 1,
KEVIN M. JANAK, Commissioner, Precinct 2,
GARY BURNS, Commissioner, Precinct 3,
CLINT IVES, Commissioner, Precinct 4,

the following proceedings, among others, were had, to wit:

WHEREAS, it is the desire of this Court to continue to provide the following regulations for rabies control in the animal population, for reporting of human bites from animals susceptible to rabies, for quarantine procedures for animals, for animals running at large, for vicious animals, for impounded animals, for safety provisions, and for funding and disposition of monies collected by the Victoria City-County Health Department Animal Control Division; and

WHEREAS an original Order adopting said regulations was adopted by the Commissioners' Court of Victoria County, Texas on the 14th day of April, 1980 and

WHEREAS amendments to the original Order adopting said regulations were approved by the Commissioners' Court of Victoria County, Texas on subsequent dates, including the 18th day of July, 1983, the 14th day of August, 2000, and the 22nd day of September, 2003; and

WHEREAS, the parts of the original Order and of the amendments contain the word "ordinance", rather than "Order", and since Counties in Texas utilize Orders for implementing local law rather than Ordinances, the word "ordinance" has been replaced with the word "Order"; and

WHEREAS, the use of the term "TDH" (meaning Texas Department of Health) appears many times in the original Order, and since Texas Department of Health was renamed as the Texas Department of State Health Services in 2003, the term "TDH" has been replaced with the term "Texas Department of State Health Services"; and

WHEREAS, the amendment approved by the Commissioners' Court of Victoria County, Texas on the 14th day of August, 2000 implemented summons authority and fines for various offenses in this Order, and since four (4) new subsections, without titles, were added to the Order, the title, "ENFORCEMENT", was added at the beginning of each of these four (4) new subsections; and

WHEREAS, Subsection "1.13 LOCAL HEALTH AUTHORITY:" states, "The Director of the Victoria City-County Health Unit" the term "Unit" has been replaced with the term "Department" to reflect the current name of that entity; and

WHEREAS, since "Section 3. Reporting Human Bites from Animals Susceptible to Rabies: Related Procedures.", "Section 4. Quarantine Procedures for Animals.", and "Section 6. Vicious Animals." do not have titles for these subsections unlike most of the other Sections of the original Order, appropriate titles have been added at the beginning of each of these subsections to assure uniformity of format for the entire Order; and

WHEREAS, "Section 5, Running at Large." makes repeated references to the term "county health officer" when there is no definition for said term in the original Order, and since the "county health officer" and "Local Health Authority" are one in the same individual, the term "county health officer" has been replaced with the defined term "Local Health Authority"; and

WHEREAS, Subsection "7.1 IMPOUNDMENT:" states that, "Animals owned or harbored in violation of this Order or any other Ordinance or Law of the State of Texas shall be taken into custody by the County Sheriff or other designated official and impounded," and since a County Order granting authority for enforcement of an Ordinance of a home rule municipality is problematic, the words "Ordinance or" were removed from that subsection; and

WHEREAS, Subsection "7.1 IMPOUNDMENT:" states that, "Animals owned or harbored in violation of this Order or any other Ordinance or Law of the State of Texas shall be taken into custody by the County Sheriff or other designated official and impounded.", and since the term "other designated official" has been determined to be a Deputy or an Animal Control Officer in day-day operations and other subsections of this Order, the term "or other designated official" has been replaced with "his Deputy or an Animal Control Officer; and

WHEREAS, Subsection "7.1 IMPOUNDMENT:" states that, "Animals owned or harbored in violation of this Order or any other Ordinance or Law of the State of Texas shall be taken into custody by the County Sheriff or other designated official and impounded. Stray animals shall be similarly impounded.", and since the term "shall" puts unreasonable demands upon the officers enforcing the Order, the term "shall" was replaced with the term "may" in that subsection; and

WHEREAS, Subsection "7.5 DISPOSITION OF IMPOUNDED ANIMALS:" states "... payment of the licensed fee, ...", and since the term "licensed fee" is equivalent to the term "rabies vaccination charges", the term "licensed fee" has been changed to "rabies vaccination charges"; and

WHEREAS, Subsection "7.5 DISPOSITION OF IMPOUNDED ANIMALS:" states "... may be placed for adoption subject to payment of the rabies vaccination charges, impoundment fee, care and feeding charges, veterinary charges, and such other costs ..." and since adoption of impounded animals is without doubt a preferred outcome when compared to humanely euthanizing said animal, and since payment of the impoundment fee, care and feeding charges, and veterinarian charges would deter potential new owners from considering adoption of said animal, Subsection "7.5 DISPOSITION OF IMPOUNDED ANIMALS:" now states, "... may be placed for adoption subject to payment of the rabies vaccination charges, and such other costs ..."; and

WHEREAS, "Section 9. Creation, Supervision and Duties of Animal Control Divisions." was written at a time in Victoria County history where there was no Department of the County providing Animal Control services, and "Subsection 9.1 ANIMAL CONTROL DIVISION:" states, "The Commissioners' Court shall contract with a suitable enforcing agency to implement this order. Upon such contract being made the enforcing agency shall submit to the Commissioners' for consideration and approval the following:", and since the Victoria City-County Health Department Animal Control Division, subsequent to the approval of the original Order, became a Department of the County of Victoria with exclusive funding, oversight, and regulation being provided by Victoria County Commissioners' Court on an ongoing basis, "Section 9. Creation, Supervision and Duties of Animal Control Divisions.", of the original Order, has been eliminated; and

WHEREAS, "Section 10. Funding – Disposition of Monies Collected" states, "10.1 FUNDING: ... By June 15, 1980, and each year hereafter the enforcing agency will submit a proposed budget for the purpose of maintaining an animal control division ...", and since this Order has been implemented and funded by Victoria County for over thirty (30) years now, and since "Section 9." of the original Order has been eliminated, "Section 10. Funding – Disposition of Monies Collected. 10.1 FUNDING:" has been changed to, "Section 9. Funding - Disposition of Monies Collected. 9.1 FUNDING: ... Annually, the Victoria City-County Health Department Animal Control Division will submit a proposed budget ..."; and

WHEREAS, occasional punctuation and numerical idiosyncrasies were corrected without changing the original intent or language of said Order; and

WHEREAS, no other words or terms of the original Order and/or the amendments to said Order have been altered; and

WHEREAS, the original Order and the amendments to said Order do not exist in a consolidated document at the Victoria County Clerks office or at the Victoria City-County Health Department Animal Control Division office; and

WHEREAS, it would be prudent to have on file a consolidated, updated Order for the purpose of quick reference by Victoria County citizens, Victoria City-County Health Department Animal Control Division employees, Victoria County officials, and other persons or agencies in need of such a document;

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF VICTORIA COUNTY, TEXAS, THAT:

Section 1. Definitions. When used in this Order, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

11.1 OWNER: Any person, firm or corporation who has right or property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of ten (10) days.

11.2 HARBORING: The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter, or care for a period of ten (10) days.

1.3 DOMESTIC ANIMAL: Shall include all species of animals commonly and universally accepted as being domesticated.

1.4 WILD ANIMALS: Shall include all species of animals which commonly exist in a naturally unconfined state and are usually not domesticated. TWs shall apply regardless of the state or duration of captivity.

1.5 PET ANIMAL: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include snakes, nonhuman primates and any other species of wild, exotic or carnivorous animal that may be further restricted in this law.

1.6 DOG: Shall mean any live or dead dog (canis familiaris).

1.7 CAT: Shall mean any live or dead cat (felis catus).

1.8 VICIOUS ANIMAL: Shall mean any individual animal or any species that has on two previous occasions, without provocation, attacked or bitten any person or other animal, or any individual animal which the Local Health Authority has reason to believe has a dangerous disposition, or any species of animals which the Local Health Authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

1.9 STRAY ANIMAL: Any animal for which there is no identifiable owner or harborer.

1.10 RUNNING AT LARGE: Shall mean not completely confined to a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such an animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed "running at large".

1.11 VACCINATED: Means 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.

1.12 CURRENTLY VACCINATED: Means vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three (3) months of age at the time of vaccination.
- (b) At least thirty (30) days have elapsed since the initial vaccination.
- (c) In reference to the first booster vaccination, not more than twelve (12) months have elapsed since the initial vaccination.
- (d) In reference to subsequent booster vaccinations, not more than thirty six (36) months have elapsed since the most recent vaccination.

1.13 LOCAL HEALTH AUTHORITY: The Director of the Victoria City-County Health Department, or an authorized representative of such Director, designated to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas law pertaining to control and eradication of rabies.

Section 2. Rabies Control.

2.1 VACCINATIONS: The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four (4) months of age, vaccinated with a booster within the twelve (12) month interval following the initial vaccination, and revaccinated at regular intervals not less than once every thirty six (36) months thereafter. Any person moving into the County from a location outside of the County shall comply with this Order within ten (10) days after having moved into the County. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period.

2.2 CERTIFICATE OF VACCINATION: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. 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

2.3 RABIES TAGS. Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.2, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

2.4 DUPLICATE TAGS. In the event of loss or destruction of the original tag provided in Section 2.3, the owner or the dog shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animals for which it was originally issued.

2.5 PROOF. It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Order.

2.6 HARBORING UNVACCINATED ANIMALS. It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

2.7 ANIMALS EXPOSED TO RABIES. Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the Local Health Authority, giving any information which may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

- (a) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the Local Health Authority for a period of not less than ninety (90) days.
- (b) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the Local Health Authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one month prior to release from quarantine.

2.8 ENFORCEMENT. The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to the Owner of an animal found to be in violation of any provision of this Section. Said summons shall contain a written promise by such owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons. Violations of any provision of this section shall be a Class C misdemeanor punishable with a fine of \$100.00.

Section 3. Reporting Human Bites from Animals Susceptible to Rabies: Related Procedures.

3.1 REPORTING: Any person having knowledge of an animal bite to a human will report the incident to the Local Health Authority as soon as possible, but not later than twenty four (24) hours from the time of the incident.

3.2 QUARANTINE: The owner of the biting animal will place that animal in quarantine as prescribed in Section 4. under the supervision of the Local Health Authority.

3.3 INVESTIGATION: The Local Health Authority will investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of State Health Services.

3.4 EXCLUSIONS: Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section,

Section 4. Quarantine Procedures for Animals.

4.1 DOGS or CATS: When a dog or cat which has bitten a human has been identified the owner will be required to produce the animal for ten (10) days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The ten (10) day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities or a veterinary hospital approved for that purpose by the Local Health Authority. However, the owner of the animal may request permission from the Local Health Authority for home quarantine if the following criteria can be met:

- (a) Secure facilities must be available at the home of the animal's owner, and must be approved by the Local Health Authority.
- (b) The animal is currently vaccinated against rabies.

- (c) The Local Health Authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the Local Health Authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
- (d) The animal was not in violation of any laws at the time of the bite.
- (e) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

4.2 WILD ANIMALS: No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

Section 5. Running at Large.

5.1 RESTRAINING: Whenever the Local Health Authority shall determine that it is in the best interest of the safety of the public to do so, he shall issue a proclamation declaring an emergency and prohibiting dogs to run at large for a period of ninety (90) days. And such proclamation shall be published in the newspapers of this County for one publication. During the period of ninety (90) days subsequent to any such publication, it shall be unlawful for any owner of any dog to allow such dog to run at large. If at the end of ninety (90) days, at the discretion of the Local Health Authority, the situation still exists, said proclamation may be reinstated by the Local Health Authority for an additional ninety (90) days ad infinitum in the above described manner until it is determined by the Local Health Authority that such an emergency no longer exists.

5.2 NUISANCE: It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which by a long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood. Such disturbance is hereby declared to be a public nuisance and a violation of this Order.

5.3 ABANDONING ANIMALS: It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal, or to withhold food or water from any animal such that its health is endangered or it is caused to suffer unduly.

5.4 GUARD DOGS: It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property, unless the dog is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.

5.5 ENFORCEMENT: Violation of Section 5. shall be considered a Class C misdemeanor punishable by a fine of up to \$135.00 upon conviction. The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to a person in violation of Section 5. Said summons shall contain a written promise by the owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons.

Section 6. Vicious Animals.

6.1 PUBLIC SAFETY: Any vicious animal found running at large may be destroyed by any peace officer in the interest of public safety.

6.2 REMOVAL OF ANIMAL: A peace officer may order any owner or person having care control, or custody of any vicious animal to take such animal permanently from the County. This animal must be removed immediately following receipt of such order, even if an appeal is

initiated. This order may be appealed in writing within ten (10) days to a committee made up of the County sheriff, or his representative, the County judge or his representative, and the County attorney or his representative. Such committee may uphold, reverse or modify the peace officer's order, or may stipulate restrictions on the animal as a condition to allowing the animals to remain in the County. If the committee upholds the order, the owner or person having care, control, or custody shall not bring the animal back inside the County.

6.3 FAILURE TO REMOVE: If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in Subsections 6.1 and 6.2 of this section, such animal may be impounded and/or destroyed.

6.4 DUTY TO REPORT DISPOSITION AND RELOCATION: The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the County sheriff in writing within ten (10) days after the expiration date for removal of such animal from the County. Each day thereafter such information is not provided shall constitute a separate offense.

6.5 WARRANTS: The County Sheriff or his Deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the County for being vicious has not been so removed.

6.6 ENFORCEMENT (ATTACKS): It shall be unlawful for a person to own an animal that makes an unprovoked attack on a person or another animal so as to cause bodily injury to the person or animal when such attack occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own. Violation of Section 6.6 shall be considered a Class C misdemeanor punishable with a fine of up to \$135.00. The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to a person in violation of Section 6.6. Said summons shall contain a written promise by the owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons.

6.7 ENFORCEMENT (THREATS): It shall be unlawful for a person to own an animal that threatens, chases, or attacks a person or other animal when such activity occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own. Violation of Section 6.7 shall be considered a Class C misdemeanor punishable by a fine of up to \$135.00 upon conviction. The County Sheriff, his Deputy, or an Animal Control Officer may issue a summons to a person in violation of Section 6.7. Said summons shall contain a written promise by the owner to appear in Justice Court within ten (10) days of the date of issuance to answer the charge made in the summons.

Section 7. Impounded Animals.

7.1 IMPOUNDMENT: Animals owned or harbored in violation of this Order or any other Law of the State of Texas may be taken into custody by the County Sheriff, his Deputy, or an Animal Control Officer, and impounded. Stray animals shall be similarly impounded.

7.2 ANIMAL SHELTER: A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this Order. Such shelter shall be constructed in accordance with recommendations from the Texas Department of State Health Services. In lieu of constructing a shelter, the County may contract with any licensed veterinarian to provide this service at a fee mutually agreed upon and having a suitable facility within the County that has been approved by the Texas Department of State Health Services.

7.3 REMOVAL OF ANIMALS FROM ANIMAL SHELTER: It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Local Health Authority or other impounding official or agency.

7.4 REMOVAL OF BITING DOGS AND CATS FROM CONFINEMENT: The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10)

days for observation and shall not be terminated until consent from the proper officer or agency is secured.

7.5 DISPOSITION OF IMPOUNDED ANIMALS: As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of the impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Commissioners' Court. If such animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the rabies vaccination charges, and such other costs as set by the Commissioners' Court, or the impoundment officer may humanely euthanize said animal.

7.6 DISPOSITION OF IMPOUNDED ANIMALS HELD ON COMPLAINT: If a complaint has been filed in a Justice Court of the County of Victoria against the owner of an impounded animal for violation of this Order, the animal shall not be released except on the order of the Court which may also direct the owner to pay any penalties for violation of this Order in addition to all impoundment fees. The Court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the peace officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines which may result from a violation or violations of this Order.

7.7 DISPOSITION OF DISEASED ANIMALS: Any animal taken into custody by an Animal Control Officer, except those animals which have inflicted human bites during the preceding ten (10) days, and that are visibly affected with any sign of communicable disease other than rabies, which are being held at the impounding facility, may instead of being impounded, be humanely destroyed, provided:

- (a) That any animal which has inflicted any human or animal bite during the preceding ten (10) days have its head removed by the Animal Control Officer and submitted to the Laboratory for rabies examination.
- (b) Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the Local Health Authority.

Section 8. Safety Provisions.

8.1 INTERFERENCE WITH THE LOCAL HEALTH AUTHORITY OR HIS AUTHORIZED REPRESENTATIVES: It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Local Health Authority or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this Order.

8.2 PENALTY FOR VIOLATION: Any person who violates any of the provisions of this Order shall be guilty of a Class C misdemeanor.

8.3 SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase 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.

8.4 SAFETY CLAUSE: The Commissioners' Court of Victoria County hereby finds, determines and declares that this Order is necessary for the immediate preservation of the public peace, health, and safety.

8.5 REPEALER: All other Orders and parts of the Orders in conflict herewith are hereby repealed.

8.6 MUNICIPAL ORDINANCES TO SUPERSEDE: The promulgation and establishment of these regulations by the Victoria County Commissioners' Court shall not prevent or jeopardize a corporate municipality within the County from establishing any rules and regulations to prevent the introduction and spread of rabies and the control of animals within

their corporate limits, and such ordinances established by said corporate municipalities shall supersede the County Order within the municipality so that dual enforcement will not occur.

8.7 EFFECTIVE DATE: This act shall take and be in effect on and after the day of April, 2011.

Section 9. Funding -Disposition of Monies Collected.

9.1 FUNDING: Funds shall be set aside by the Commissioners' Court of Victoria County, Texas, for the purposes of salaries, equipment and supplies necessary to the implementation of this Order. Annually, the Victoria City-County Health Department Animal Control Division will submit a proposed budget to the Commissioners' Court for approval and/or revision.

9.2 DISPOSITION OF MONIES COLLECTED: All monies collected pursuant to the provisions of this Order shall go into the general fund of the Treasury of Victoria County, Texas, and may be used by the Commissioners' Court to partially defray the expense of implementing this Order.

That a certified copy of this Order be delivered to the County Treasurer and County Auditor of Victoria County, Texas, for their information and observance.

The above and foregoing instrument passed by the unanimous vote of the Commissioners' Court Of Victoria County, Texas, this the 11th day of April, 2011, and hereinafter has the effect of the law.

Donald R. Pozzi

DONALD R. POZZI, County Judge

Kenny Spann
KENNY SPANN
Commissioner, Precinct 1

Kevin M. Janak
KEVIN M. JANAK
Commissioner, Precinct 2

Gary Burns
GARY BURNS
Commissioner, Precinct 3

Cliff Ives
CLIFF IVES
Commissioner, Precinct 4

AMENDMENTS - ORDINANCE - ANIMAL CONTROL - HEALTH DEPARTMENT:
(743-469)

6. September 22, 2003. Dr. Bain C. Cate, Victoria City/County Health Department, addressed the court on the Victoria County Animal Control Ordinance. Dr. Cate said that the **rabies vaccination for cats and dogs has been amended to a 3-year vaccine as recommended** by the State of Texas Board of Health. He said that pet owners and veterinarians may continue with an annual vaccine if they so choose. Motion by Chris Rivera and seconded by Jerry Nobles, the Commissioners' Court amended the Victoria County Animal Control Ordinance to make allowance for the 3-year rabies vaccination as recommended by the State of Texas Board of Health to be effective September 26, 2003. Motion adopted.



2805 N Navarro St
Victoria, Texas 77901-3917
Bain C. Cate, IVLD., Director

Phone (361) 578-6281
Fax (361) 578-7046

September 15, 2003

Honorable Judge Donald R. Pozzi
Victoria County Commissioners' Court
101 N. Bridge St., Room 102
Victoria, TX 77901

Judge Pozzi,

It is my privilege to submit a request by the Victoria City-County Health Department Advisory Board to amend the current Victoria County Animal Control Ordinance. The decision was made by the Board, at their June 25, 2003 meeting, to recommend a change in the rabies vaccination requirement for cats and dogs.

For several years now, the rabies vaccination administered to these animals has been a **3-year** vaccine. The laws of the state, counties, and municipalities have not changed, continuing with an **annual** vaccine requirement. The State of Texas Board of Health decided in February this year to amend their rules to make allowance for the 3 year vaccine. Expert veterinarians had been citing real and theoretical complications and syndromes associated with too frequent of a rabies vaccination, especially for smaller animals, and for cats. The local Board of Health desired to follow the recommendations of the State Board, i.e., that there not be any legal impediment to following the manufacturer's recommendations for the dosing interval of the rabies vaccine.

City of Victoria recently discussed the change to their ordinance, and it is anticipated that City Council will approve the ordinance change on its second and third reading tomorrow evening. Their change involved a registration change, as well as the vaccine requirement change. With the Victoria County Animal Ordinance, a change to a 3 year minimum interval of vaccination would be relatively easy, as there is no additional registration requirement to deal with. On a technical level, the change is a minimum standard, and if a local veterinarian should choose to immunize a dog or cat on an annual basis, there would be no regulation forbidding such.

Attached is proposed wording for the change in the Animal Control Ordinance, and the TAC 169.29 on Vaccination Requirement as supportive documentation. It will be available to comment on this during Commissioners' Court on September 22, 2003, and would of course be happy to answer any questions about it prior to that meeting.

Sincerely,

Bain C. Cate, M.D.

PROPOSED AMENDMENTS TO THE VICTORIA COUNTY
ANIMAL CONTROL ORDINANCE

6

87

The following articles shall be amended as written, discarding completely the previous language in the same-numbered articles of the current ordinance:

Section 1. Definitions. When used in this ordinance the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

(Articles 1.1 through 1.11 remain unchanged.)

1.12 CURRENTLY VACCINATED: Means vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three months of age at the time of vaccination.
- (b) At least 30 days have elapsed since the initial vaccination.
- (c) In reference to the first booster vaccination, not more than 12 months have elapsed since the initial vaccination.
- (d) In reference to subsequent booster vaccinations, not more than 36 months have elapsed since the most recent vaccination.

Section 2. Rabies Control.

2.1 VACCINATIONS: The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four (4) months of age, vaccinated with a booster within the twelve (12) month interval following the initial vaccination, and revaccinated at regular intervals not less than once every three (3) years thereafter. Any person moving into the County from a location outside of the County shall comply with this ordinance within ten (10) days after having moved into the County. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the 10-day observation period.

Texas Administrative Code

| | |
|--------------|--------------------------------|
| TITLE 25 | HEALTH SERVICES |
| PART 1 | TEXAS DEPARTMENT OF HEALTH |
| CHAPTER 169 | ZOONOSIS CONTROL |
| SUBCHAPTER A | RABIES CONTROL AND ERADICATION |
| RULE §169.29 | Vaccination Requirement |

(a) The owner or custodian (excluding animal shelters) of each domestic dog or cat shall have the animal vaccinated against rabies by four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans), domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or custodian from selecting a more frequent rabies vaccination interval. Health and Safety Code, §§826.014 and 826.015 allow local jurisdictions to establish more frequent rabies vaccination intervals.

(b) Official rabies vaccination certificates shall be issued by the vaccinating veterinarian and contain the following information:

- (1) owner's name, address, and telephone number;
- (2) animal identification—species, sex (including neutered if applicable), approximate age (three months to 12 months, 12 months or older), size (pounds), predominant breed, and colors;
- (3) vaccine used—producer, expiration date, and serial number;
- (4) date vaccinated;
- (5) date vaccination expires (revaccination due date);
- (6) rabies tag number if a tag is issued;
- (7) veterinarian's signature or signature stamp and license number.

(c) A copy of each rabies vaccination certificate issued shall be retained by the issuing veterinarian and be readily retrievable for a period of not less than five years from the date of issuance.

(d) If a veterinarian ceases the practice of veterinary medicine, the duplicate rabies vaccination certificates retained by that practice shall be turned over to the local rabies control authority. This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

Source Note: The provisions of this §169.29 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective March 19, 2003, 28 TexReg 2341

ORDER PROHIBITING THE KEEPING OF WILD ANIMALS -STATF. LAW:
(660-2515)

16. August 27, 2001. Motion by Jerry NobJes and seconded by Ch ris Rivera, pursuant to Chapter 240 of the Local Government Code and Creating a Criminal Penalty, the Commissioners' Court adopted the Order Prohibiting the Keeping of Wild Animals in Victoria County as defined by the state law. Motion adopted.

COUNTY OF VICTORIA

§ COMMISSIONERS' COURT

THE STATE OF TEXAS

§ SPECIAL TERM, AUGUST 27, 2001

ORDER PROHIBITING THE KEEPING OF WILD ANIMALS
PURSUANT TO CHAPTER 240 LOCAL GOVERNMENT CODE
AND CREATING A CRIMINAL PENALTY

The Commissioners' Court of Victoria County hereby adopts the following order, pursuant to Chapter 240, Local Government Code.

1. The Commissioners' Court hereby determines that wild animals, as defined in this order, are dangerous and in need of control in this county.
2. Under the definition by State Law, wild animal means 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 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 an animal listed in this definition.
3. 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.
4. A violation of this order is an offense punishable as a Class C misdemeanor.
5. A violation or threatened violation of this order may be enjoined by an action in district court.

Adopted this 27th day of August, 2001.

JfuLQ

Helen R. Walker, County Judge

CJL+/2

Chris F. Rivera
Commissioner, Precinct 1

t/f rryN,we;
Commissioner, Precinct 2

John J. Sammak

Commissioner, Precinct 3

y:tw.ni am
Commissioner, Precinct 4

ADOPTION OF AMENPMENTS – ANIMAL CONTROL ORDINANCE – HEALTH
DEPARTMENT:
(611-202)

19. August 14, 2000. Motion by Jeny Nobles and seconded by John Hammack, the Commissioners' Court adopted the amendment to animal control ordinance which gives the animal control officers the ability to issue summons for violations caused by or involving animals out in the county. Motion adopted.

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AMENDMENT TO ANIMAL CONTROL ORDINANCE

SECTION 5. RUNNING AT LARGE

Section 5.5. Violation of Section 5 shall be considered a Class C misdemeanor punishable by a fine of up to \$135.00 upon conviction. The deputy sheriffs or animal control officers may issue a summons to a person in violation of Section 5. Said summons shall contain a written promise by the owner to appear in Justice Court within ten days of the date of issuance to answer the charge made in the summons.

SECTION 2. RABIES CONTROL.

Section 2.8. The deputy sheriffs or animal control officers may issue a summons to the owner of an animal found to be in violation of any provision of this section. Said summons shall contain a written promise by such owner to appear in Justice Court within ten days of the date of issuance to answer the charge made in the summons. Violations of any provision of this section shall be a Class C misdemeanor punishable with a fine of \$100.00.

SECTION 6. VICIOUS ANIMALS.

Section 6.6. It shall be unlawful for a person to own an animal that makes an unprovoked attack on a person or another animal so as to cause bodily injury to the person or animal when such attack occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own. Violation of Section 6.6 shall be considered a Class C misdemeanor punishable with a fine of up to \$135.00. The deputy sheriffs or animal control officers may issue a summons to a person in violation of Section 6.6. Said summons shall contain a written promise by the owner to appear in Justice Court within ten days of the date of issuance to answer the charge made in the summons.

Section 6.7. It shall be unlawful for a person to own an animal that threatens, chases, or attacks a person or other animal when such activity occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own. Violation of Section 6.7 shall be considered a Class C misdemeanor punishable by a fine of up to \$135.00 upon conviction. The deputy sheriff or animal control officers may issue a summons to a person in violation of Section 6.7. Said summons shall contain a written promise by the owner to appear in Justice Court within ten days of the date of issuance to answer the charge made in the summons.

RECEIVED,
AUG 07 2000 1,

Helen R. Wai
County Judge.

July

d. Motion by Nick Hinojosa and seconded by Rex Easley, the Commissioners' Court designated the Director of the Victoria City-County Health Unit, or an authorized representative of such Director to receive reports of animal bites under the Rabies Control Ordinance adopted by the Court in April, 1980- and recorded in Vol. SO, page 176 of the Commissioners' Court Minutes.

i

PHONE 575-9481

107 W. RIVER

VICTORIA CITY - COUNTY HEALTH DEPARTMENT

P. O. BOX: 2350

VICTORIA, TEXAS 77901

July 7, 1983

Hon. Norman D. Jones
County Judge
Victoria County Courthouse
Victoria, Texas 77901

Dear Judge Jones:

In April, 1980 the Commissioners Court of Victoria County passed an order in reference to Rabies Control for Victoria County. This document is recorded in Volume 50, page 176 of the county records. Section 1-13, states: Local Health Authority: a person designated - by the county to receive reports of animal bites

Our research of county records indicate no current designation or appointment, nor is local health authority defined in the above described document.

copy

As per our conversation of July 7, 1983 we are requesting Commissioners Court of Victoria County to define local health authority or designate said **person** to read as follows: The Director of the Victoria City-County Health Unit, or an authorized representative of such Director.

Sincerely,

P. M. Dodson

Pattie M. Dodson, M.D.
Director

copy me
Wheeler
acted

W.W.)
.)

*was
action in 1980*

FINDINGS OF FACT

(1) An application for a permit to operate a municipal solid waste landfill, along with all necessary supporting data, was properly submitted by the applicant; due notice was given; and a public hearing was held at Old Courthouse Courtroom in Victoria, Texas on January 29, 1980; and all parties were given an opportunity to appear, be represented by counsel, and present testimony or other evidence either for or against the granting of a permit.

(2) The physical conditions existing at the subject site, along with the recommended special provisions transmitted herewith, render the site suitable for use as a landfill.

(3) Use of the subject site as a Type III municipal solid waste landfill is compatible with the present uses being made of the surrounding land.

CONCLUSIONS OF LAW

(1) All procedural requirements relative to notice, hearing and due process of law were met.

(2) The subject site, if operated in compliance with the Solid Waste Disposal Act Article 4477-7, V.A.C.S., The Texas Department of Health Municipal Solid Waste Management Regulations and the Special Provisions which accompany the public health or create a public nuisance.

(3) Operation of a Type III municipal solid waste landfill is a proper land use of the property described in the attached permit.

RABIES:

9. April 14, 1980, Motion by G. Y. ene Martin and seconded by John Haack, the Commissioners' Court adopted an ordinance whereby the Court mandates the annual vaccination of all dogs and cats for the control of rabies, all as per said ordinance filed and ordered recorded in full in the minutes of this court.

THE STATE OF TEXAS ■ IN THE COMMISSIONERS' COURT OF VICTORIA
 COUNTY OF VICTORIA J COUNTY, TEXAS, APRIL TERM, 1980

ON THIS, the 14th day of April, 1980, the Commissioners' Court of Victoria County, Texas, being in regular session at a Tegurular term of said Court, the following members thereof being present, namely:

- NORMAN D. JONES, County Judge
- HERMAN J. PARGAC, Commissioner, Precinct No. 1,
- GENE L. MARTIN, Commissioner, Precinct No. 2,
- JOHN J. HAMFACK, Commissioner, Precinct No. 3,
- MARVIN L. LOGKHART, Commissioner, Precinct No. 4,

the following proceedings, among others, were had, to-wit:

WHEREAS, it is the desire of this Court to provide the following regulations for reporting of human exposure to rabies, quarantining of biting animals, restraint of vicious animals, vaccination requirement and importation of certain animals that have a high probability of carrying rabies into the county; and describing penalties for violation of such provisions in accordance with and pursuant to V.T.C.S., Art. 4477-6a and V.T.C.S., Art. 2372m, be adopted by the Commissioners' Court of Victoria County, Texas in the form of an Order of the Commissioners' Court;

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF VICTORIA COUNTY, TEXAS, THAT:

Section 1. Definitions. \When used in this ordinance the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

1.1. OWNER: Any person, -firm or corporation who has right or property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of 10 days.

1.2 HARBORING: The act, 'of keeping and caring for an animal or of providing a premise to which the animal i-returns for food, shelter or care for a period of 10 days,

1.3 DOMESTIC ANIMAL: Shall include all species of animals commonly and universally accepted as being domesticated,

1.4 WILD ANIMAL: Shall include all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

1.5 PET ANIMAL: Sh ll include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, nonhuman primates and any other species of wild exotic or carnivorous animal that may be further restricted in this law.

1.6 DOG: Shall mean any live or dead dog (canis familiaris).

1.7 CAT: Shall mean any live or dead cat (felis catus).

1.8 VICIOUS ANIMAL: Shall mean any individual animal or any species that has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the local health authority has reason to believe has a dangerous disposition, or any species of animal which the local health authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

1.9 STRAY ANIMAL: Any animal for which there is no- identifiable owner or harborer.

50 PAGE 176

1.10 RUNNING AT LARGE: Shall mean not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed "running at large".

1.11 VACCINATED: Means 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.

1.12 CURRENTLY VACCINATED: Means vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three months of age at the time of vaccination.
- (b) At least 30 days have elapsed since the initial vaccination.
- (c) Not more than 12 months have elapsed since the most recent vaccination.

1.13 LOCAL HEALTH AUTHORITY: A person designated by the County to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas law pertaining to control and eradication of rabies.

Section 2. Rabies Control.

2.1 VACCINATION: The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four months of age and within each subsequent twelve (12) month interval thereafter. All dogs or cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter. Any person moving into the County from a location outside of the County shall comply with this ordinance within ten (10) days after having moved into the County. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the 10 day observation period.

2.2 CERTIFICATE OF VACCINATION: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. 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.

2.3 RABIES TAGS. Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.2, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

2.4. DUPLICATE TAGS. In the event of loss or destruction of the original tag provided in Section 2.3, the owner of the dog shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

2.5 PROOF. It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

2.6 HARBORING UNVACCINATED ANIMALS, It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

2.7 ANIMALS EXPOSED TO RABIES. Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the local health authority, giving any information which may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply.

- (a) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than 90 days,
- (b) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than 6 months. A revaccination shall be done one month prior to release from quarantine.

Section 3. Reporting Human Bites from Animals Susceptible to Rabies: Related Procedures.

3.1 Any person having knowledge of an animal bite to a human will report the incident to local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident,

3.2 The owner of the biting animal will place that animal in quarantine as prescribed in Section 4 under the supervision of the local health authority.

3.3 The local health authority will investigate each bite incident utilizing standardized reporting forms provided by TDF.

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

Section 4. Quarantine Procedures for Animals.

4.1 When a dog or cat which has bitten a human has been identified, the owner will be required to produce the animal for ten days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The 10 day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities or a veterinary hospital approved for that purpose by the local health authority. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:

⊖ Secure facilities must be available at the borne of the animal's owner, and must be approved by the local health authority.

(b) The animal is currently vaccinated against rabies.

⊖ The local health authority or a licensed veterinarian must observe the animal at least on the "first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.

tdr : The animal was riOf in violation of any laws at the time .oL the bite.

-te) If i:he biting ariiffiai cannot be maintained in secure quarantine. it shai. by humanely destroyed and the brain -sul?mitted to a TJ?H crtified laboratory for rabies ·di-agnosis.

4.2 No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboaoiY for rabieS dlagnoSiS.

Section 5. : ?-ning at Lar&e, ;

5.1 RESTRA TNING: Whenever the county health officer shall deter" mine that it is inthe interest of the safety of the public to do so, he shall issue a proclilmat ion deClaring an emergency:- and prohibiting dogs to run at large for a period of ninety (90) days. And such proclamation shall bEi publis hed in the newspapers of this county for one publication. During the period Of ninety 90) d3-ys subsequent to any such publication, it shall be unliiwful for any owner of any dog to allow saip. dog to run at large. If at the end of ninety (90) days, at the" discretion of the county health officer :fhe situation still exists said p roclamation may be reinstated by the county' health officer for an additional ninety90) days aQ..infinitum in the above described manner until it is determined by the county health officer that such an eergency no longer exists.

.2 NUISANCE: It shall be unlawful for any owner to harbor any dog, cat, - or other pet animal which by any long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood, such disturc bance is hereby declared to be a public nuisance and a violation of this ord_er ..

S.3 ABANDONING ANIMALS: It is hereby prohibited and shall be mi- lawful for any person to willfully abandon any animal; or to withhold food or \later from any animal suCh that its health is endangered, or it is caused to suffer unduly,

5.4 GUARD DOGS: It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property, unless the dog is physically confined to a specific area, or is under complete and absolute control! The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.

Section 6. Vicious Animals.

6.1 Any vicious animal found running-at-large may be destroyed by any peace officer in the interest of public safety.

6.2 A Peace officer may order any owner of person having care, control, or custody of any vicious animal to take such animal permanently from the county. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to a committee made up of the county sheriff, or his representative, the county judge or his representative, and the county attorney or his representative. Such committee may uphold, reverse or modify the peace officer's order, or may stipulate restrictions on the animal as a condition to allowing the animal to remain in the county. If the committee holds the animal control's order, the owner or person having care; control or

t.Y shall **NO** bring the animal back inside the county.

6.3 If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in Subsections 6.1 and 6.2 of this section, such animal may be impounded and/or destroyed.

6.4 The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the county sheriff in writing, within ten (10) days after the expiration date for removal of such animal from the county. Each day thereafter such information is not provided shall constitute a separate offense.

6.5 The county sheriff or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the county for being vicious has not been so removed.

Section 7. Impounded Animals.

7.1 **IMPOUNDMENT:** Animals owned or harbored in violation of this order or any other ordinance or law of the State of Texas shall be taken into custody by the county sheriff or other designated official and impounded. Stray animals shall be similarly impounded.

7.2 **ANIMAL SHELTER:** A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this order. Such shelter shall be constructed in accordance with recommendations from the Texas Department of Health. In lieu of constructing a shelter, the County may contract with any licensed veterinarian to provide this service at a fee mutually agreed upon and having a suitable facility within the County that has been approved by the Texas Department of Health.

7.3 **REMOVAL OF ANIMALS FROM ANIMAL SHELTER,** It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the local health authority or other impounding official or agency.

7.4 **REMOVAL OF BITING DOGS AND CATS FROM CONFINEMENT:** The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the proper officer or agency is secured.

7.5 **DISPOSITION OF IMPOUNDED ANIMALS:** As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Commissioners' Court. If such animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the licensed fee, impoundment fee, care and feeding charges, veterinary charges, and such other costs as set by the Commissioners' Court, or the impoundment officer may humanely euthanize said animal.

7.6 **DISPOSITION OF IMPOUNDED ANIMAL HELD ON COMPLAINT'** If a complaint has been filed in a Justice court of the County of Victoria against the owner of an impounded animal for violation of this order, the animal shall not be released except on the order of the court which may also direct the owner to pay any penalties for violation of this

order in addition to all impoundment fees, The court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the peace officer does not relieve or render the owner immune from the decision of the court nor to the fees and fines which may result from a violation or violations of this order.

7.7 DISPOSITION OF DISEASED ANIMALS: Any animal taken into custody by the animal control officer except those animals which have inflicted human bites during the preceding ten days and that are visibly affected with any sign of communicable disease other than rabies which are being held at the impounding facility, may instead of being impounded, be humanely destroyed provided:

- (a) That any animal which has inflicted any human or animal bite during the preceding 10 days have its head removed by the animal control officer and submitted to the laboratory for rabies examination.
- (b) Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the local health authority.

Section 8. Safety Provisions.

8.1 INTERFERENCE WITH THE LOCAL HEALTH AUTHORITY OR HIS AUTHORIZED REPRESENTATIVES. It shall be unlawful for any person to interfere with, molest, hinder, or prevent the local health authority or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this order,

8.2 PENALTY FOR VIOLATION: Any person who violates any of the provisions of this order shall be guilty of a Class C misdemeanor.

8.3 SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase 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.

8.4 SAFETY CLAUSE: The Commissioners' Court of Victoria County hereby finds, determines, and declares that this order is necessary for the immediate preservation of the public peace, health and safety.

8.5 REPEALER: All other orders and parts of the orders in conflict herewith are hereby repealed.

8.6 MUNICIPAL ORDINANCES TO SUPERSEDE: The promulgation and establishment of these regulations by the Victoria County Commissioners Court shall not prevent or jeopardize a corporate municipality within the county from establishing any rules and regulations to prevent the introduction and spread of rabies and the control of animals within their corporate limits, and such ordinances established by said corporate municipalities shall supersede the county order within the municipality so that dual enforcement will not occur.

8.7 EFFECTIVE DATE: This act shall take and be in effect on and after April 14, 1980.

Section 9. Creation, Supervision and Duties of Animal Control Divisions.

9.1 ANIMAL CONTROL DIVISION: The Commissioners' Court shall contract with a suitable enforcing agency to implement this order. Upon such contract being made the enforcing agency shall submit to the Commissioners' for consideration and approval of the following:

- (a) Rules and procedures necessary for the enforcement of this order,
- (b) A schedule of fees for licenses and impoundment under Sections 4 and 7.

- ⊖ A schedule of minimum fines for violations of any provision of this order.

All such terms which are approved by the Commissioners' Court shall be reviewed for reenactment or change at least once a year or at such other times as the Commissioners' Court might direct.

9.2 RECORDS: It shall be the duty of the animal control division of the enforcing agency to maintain such records as deemed necessary to the enforcement of all provisions of this order and have those records available for display to the Commissioners' Court,

Section 10 Funding - Disposition of Monies Collected

10.1 FUNDING: Funds shall be set aside by the Commissioners' Court of Victoria County, Texas, for the purposes of salaries, equipment and supplies necessary to the implementation of this order. By June 15, 1980 and each year hereafter the enforcing agency shall submit a proposed budget for the purpose of maintaining an animal control division to the Commissioners' Court for approval and/or revision.

10.2 DISPOSITION OF MONIES COLLECTED: All monies collected pursuant to the provisions of this order shall go into the general fund of the Treasury of Victoria County, Texas, and may be used by the Commissioners' Court to partially defray the expense of implementing this order.

That a certified copy of this order be delivered to the County Treasurer and County Auditor of Victoria County, Texas, for their information and observance.

The above and foregoing instrument passed by the unanimous vote of the Commissioners' Court of Victoria County, Texas, this the 14th day of April, 1980, and hereinafter has the effect of the law.

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| <i>Norman Thomas</i> County Judge | |
| <i>Norman J. Farac</i> Commissioner, Precinct No. 1 | <i>John P. Sammach</i> Commissioner, Precinct No. 3 |
| <i>Gene L. Martin</i> Commissioner, Precinct No. 2 | <i>David L. Schhart</i> Commissioner, Precinct No. 4 |

