

CHAPTER III

ANIMALS AND FOWL

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Article I
In General

Section 1
Definitions

As used in this chapter, the following words shall have the meanings herein ascribed to them:

Animal Control Authority:

A municipal animal control officer with authority over the area where the dog is kept.

Cat: A feline of the genus felis catus

Dangerous Dog:

A dog that:

- (1) 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 reasonable certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent these acts and cause a person to reasonably believe that the dog will attack can cause bodily injury to that person.

Director: The person designated as being the director of the Health Department of the city or county.

Dog: A canine of the genus canis familiarize

Facilities for keeping:

The pens, stalls, stables, corrals, cages, kennels, feeding through areas, sheds and facilities of every kind where large live stock, small animals, fowls, or pets are penned, fed or protected from the water; and shall be interpreted to include grazing areas.

Fowl: Chickens, turkeys, pheasant, quail, guineas, geese, ducks, and pigeons, or other feathered animals regardless of age or sex except these specifically included in the definition of "pets".

Health Department of the county:

That unit of government, by whatever name it may be known or designed, whose primary function is to safe guard the health and physical well-being of the inhabitants of the county.

Impound: To place in the pound, or any other site so designated by the director.

Keeper: (A) A person owning, claiming, keeping, or having in possession any animal or fowl referred to in this chapter.
(B) A person is a subject to this chapter as the keeper of an animal and is presumed to control the animal if the person:
(1) Is the owner or lessee of the pen, pasture, or other place in which the animal is located and has control of that place; or
(2) Exercises care or control over the animal.

This section does not limit the care and control of an animal to any person,

Large Livestock:

Horses, Shetland ponies, mules, donkeys, ponies, cattle, goats, sheep, and other similar animals regardless of age, sex, or breed, but specifically excluding swine.

Licensed Veterinarian:

A veterinarian licensed by any state of the United States and, in addition, if practicing within Texas, licensed by the state board of veterinary examiners.

Observation Period:

That period of time during which the director in his discretion and based upon competent and current scientific information orders and directs that large livestock, small animal, fowl, or pet, as defined herein, or any other animal or fowl specifically excluded herein, shall be confined and quarantined for the purpose of determination whether such animal or fowl is afflicted with, is a carrier of, or may become afflicted with or be the carrier of any disease or disorder.

Owner: A person who owns or has custody or control of the dog, cat, small animal, large livestock, fowl, pets or wild animals.

Pets: Canaries, parrots, parakeets, and birds or animals other than large livestock, wild animals, small animal or fowl as herein defined.

Pound: One (1) or more places operated by or for the city or county, whether upon city or county facilities or by contract with other animals or fowl as prescribed by law.

Quarantine: To detain or isolate an account of suspected contagion.

Rat proof: A state of being so constructed as to effectively prevent the entrance of rats.

Sanitary: Any condition of good order and cleanness which minimizes the probability of disease transmissions.

Secure enclosure:

A fenced area of structure that is:

- (1) Locked
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog
- (4) Clearly marked as containing a dangerous dog; and
- (5) in conformance with the requirements for enclosures establishments by the local animal control authority.

Small Animals:

Dogs, cats, rabbits, hares, guinea pigs, monkeys, and other similar small animals.

Vaccination:

A protective insulation against rabies by inoculation with anti-rabid vaccine recognized and approve by the United States Department of agriculture given in an amount sufficient to provide immunity against the disease.

Vaccination Certification:

The certification issued by a licensed veterinarian and showing on its face that, at time of such presentation, the animal describe herein has been vaccinated for rabies during the preceding twelve (12) month.

Wild Animals:

Any animal which is typically of an untamed, undomesticated, dangerous, or ferocious nature as well as any animal inclined to do serious harm to humans or other animal or fowl.

Section 2

Animal Control Program of Health Department

There is hereby created an animal control in the health department of the county.

Section 3

Impounding Animals: authority of the director in the Health Department of the County

The director and designee and animal control program personal under the directors' supervision and direction shall have authority to impound the following:

- (1) Any large livestock, small animal or fowl that runs at large or which is deemed to otherwise be in violation of this chapter.
- (2) Any large livestock, small animals or fowl or any other animal which is exhibiting. Symptoms of rabies or has been exposed to a rabid animal, or has bitten a human being.

Section 4

Redemption of impounded animals

All large livestock, small animals, or fowl or any other animal impounded under the provisions of this article shall be held for at least seventy two (72) hours from midnight of the day of pickup during which time the owner may reclaim and redeem such large livestock, small animals, or fowl or any other animal upon paying a fee to the pound.

Section 5

Destruction of small animals or fowl not redeemed

- (a) Impound small animals or fowl that are not redeemed within seventy two (72) hours after the midnight of the day of impoundment may be humanely put to death.
- (b) The director or his agents or employees shall have authority to humanely destroy any impounded dog or other small animal or fowl whose retention would be detrimental to the health and welfare of other animals or fowl in the pound or in the county, or any animal which is sick, injured or diseased.

Section 6

Abandoning or dumping animals in county

It shall be unlawful for any person to abandon, set at large or dumped any small animal, fowl, or large livestock within the corporate limits of the county.

Section 7

Neglect Animals

It shall be unlawful for any person to keep any large livestock, small animal or fowl without providing reasonably adequate food, water, or shelter thereto, so as to unreasonably endanger the health and safety of the large livestock, small animal or fowl or of any person. Any officer of the animal control program of the health department of the county, having reasonable grounds to believe that any large livestock small animal or fowl being kept in violation of this section may enter upon the premises and take possession of and impound the large livestock, small animals, or fowl subject to the provisions of the section 4 and section 5 of this chapter.

Article II
Rabies Control

Section 8

Immunization required for dogs and cats

All dogs and cats within the county must be vaccinated against rabies at the age of three (3) months and there after on an annual basis.

This schedule may be modified by the director in the event that circumstances require vaccination on a more frequent basis. Notice of any such modification shall be given by proclamation in a newspaper of general circulation of the county one (1) time.

Section 9

Vaccination certificate required; display upon request

- (a) Every person keeping any dog or cat immunized against rabies shall procure a written vaccine action certificate from the veterinarian administering the vaccine, giving accurate description of the dog or cat and the vaccination metal tag to be affixed to the collar of such dog or cat.
- (b) Any authorized agent of the director may request to see such vaccination certificate at any time; and the failure of such dog or cat to exhibit such vaccination certificate upon request shall constitute an offense under the article.

Section 10

Procedure when a person is bitten

- (a) Whenever an animal of any species, breed or clad bites a person, the keeper of such animal or any person having knowledge of such biting, shall immediately report the incident to the animal control program. Such animal shall thereby come immediately under the supervision of the director who shall immediately cause an investigation to be made by a person designated.
- (b) If the director or designee deems it necessary the animal shall be held for an observation period and shall not be released from such observation period without the approval of the director. Such observation may be in the pound, at a veterinary hospital, or in the description of the director, at the premises of the keeper of the animal or at any other suitable site.
- (c) The director may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely killed and the brain tested for rabies.

Section 11

Observation required for animal exhibiting symptoms of rabies

- (a) Whenever an animal of any size, breed or class is exhibiting any symptoms of rabies, such animal shall be held under observation in the county pound or veterinary hospital operated by a licensed veterinarian or in the description of animal shall be released from observation until a veterinarian or the director or his representative certifies that such animal is not inflected with rabies.
- (b) Dogs or other animals which are not removed by the owners within twenty four (24) hours after the observation period shall be disposed of under the provisions of section 5 and section 7 on this chapter.

Section 12

Disposition of animals which have died of rabies

The animals which are suspected of having died of rabies shall be turned over to the supervisor of the animal control program or a licensed veterinarian for dispatch to an authorized laboratory for diagnosis.

Section 13

Duty of person knowing of animal exhibiting symptoms of rabies

Whenever a dog or other animal is infected with rabies or suspected of being infected with rabies or has been bitten by an animal knowing or suspected of being infected with rabies, the keeper of the animal or any person having knowledge there of shall immediately notify the animal control program where the animal may be found.

Section 14

Regulations of dangerous dogs

- (a) Requirements for owners of dangerous dogs. Not later than the thirteenth day after a person learns that the person is the owner of a dangerous dog, the person shall:
 - (1) Register for owners of dangerous dogs with the animal control program.
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100, 000), to cover damages bodily injury to a person.
- (b) 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 as described in the definition of a dangerous dog; or
 - (2) The owner is informed by the animal control program that the dog is a dangerous dog.

- (c) If the person reports an incident as described in the definition of a dangerous dog, the animal control may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control determines the dog is a dangerous dog, it shall notify the owner of the fact.
- (d) An owner, not later than the thirteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control program to a justice or municipal court in the same manner as appeal for other civil cases.

Section 15

Registration of dangerous dogs

- (a) The director shall annually register a dangerous dog if the owner:
 - (1) Present proof of:
 - (a) Liability insurance or financial responsibility as required by Section 14
 - (b) Current rabies vaccination of the dangerous dog; and
 - (c) The secure enclosure in which the dangerous dog will be kept;
 - (2) Pays an animal registration fee of fifty dollars (\$50.00)
 - (a) The director or designee shall provide to the owner registering a dangerous dog a registration tag.
 - (b) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the fourteenth day after the date of the sale or move, shall notify the animal control program of the new address. On the presentation by the current owner the dangerous dogs prior registration tag from another jurisdiction and payment of a fee of twenty five dollars (\$25.00) the director or designee shall issue a new registration tag to be placed on the dangerous dogs collar.

Section 16

Violations

- (a) A person who owns or keeps custody or control of a person's dangerous dog commits an offense if the person fails to comply with these subsections.
- (b) An offense under this section is a class C misdemeanor.

Section 17

Dogs running at large prohibited; exceptions

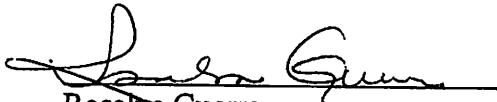
- (a) It shall be unlawful for any person owning keeping or having in his possession or control any dog to allow such dog to run at large upon the streets, sidewalks, or public grounds of the county or to allow any dog to run at large upon or about the residence, lot or lands of any person other streets sidewalks or public grounds of the residence lot or lands of any person other

than the owner of the dog, shall be considered to be at large in violation of this section; except that a dog under the control of a person by means of a chain, rope, cord or leash not more than ten (10) feet in length and of sufficient strength to control the action of the dog shall not be deemed to be running at large, provided such person is physically able to, and does, restrain such dog.

(b) The provisions of the section shall not apply to the following:


- (1) Any dog accompanied by in the presence of his owner, master, or trainer, while the dog is actually engaged in dog obedience training provided the person training such dog has in his possession a dog leash at least five (5) feet and not more than ten (10) feet in length and of sufficient strength to control the dog.
- (2) Any dog used by a blind person to aid the person in going from place to place, while the dog is being used by the person for such purpose.

PASSED AND APPROVED this the 25th day of JUNE, 2007.



Rosalva Guerra
Zapata County Judge

ATTEST:



Mary Dora Villaverde-Bonvan
COUNTY CLERK

