

vs 03-15-2005
Item 4

**ORDER OF THE TRAVIS COUNTY COMMISSIONERS COURT
AMENDING
TITLE V. HEALTH AND PUBLIC SAFETY
CHAPTER 52 - REGULATIONS OF TRAVIS COUNTY, TEXAS
GOVERNING ANIMAL CONTROL**

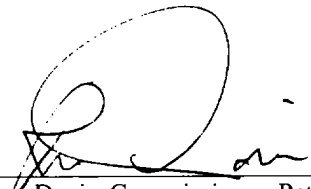
STATE OF TEXAS

COUNTY OF TRAVIS

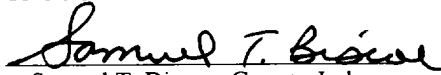
Pursuant to Sections 1.0051 and 1.0052 of the Travis County Policies, Procedures, and Regulations Manual, be it hereby ORDERED that Chapter 52 is amended by deleting the current Chapter 52 and substituting a new Chapter 52 which is attached to this Order as Exhibit 1.

Date of Order: March 15, 2005

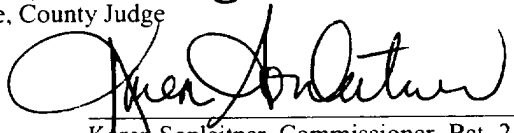
TRAVIS COUNTY COMMISSIONERS COURT



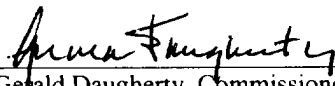
Ron Davis, Commissioner, Pct. 1




Samuel T. Biscoe, County Judge



Karen Sonleitner, Commissioner, Pct. 2



Gerald Daugherty, Commissioner, Pct. 3



Margaret Gómez, Commissioner, Pct. 4

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

2005 MAR 23 PM 3:32

FILED FOR RECORD

EXHIBIT 1

CHAPTER 52

REGULATIONS OF TRAVIS COUNTY, TEXAS
GOVERNING ANIMAL CONTROL

CHAPTER 52. REGULATIONS OF TRAVIS COUNTY, TEXAS
GOVERNING ANIMAL CONTROL

52.001 AUTHORITY.

These Regulations of Travis County, Texas, Governing Animal Control ("Rules") are adopted by the Commissioners Court of Travis County, Texas. Authority of Travis County to adopt and enforce these Rules is included in TEXAS HEALTH AND SAFETY CODE, Chapter 822, "Regulation of Animals," and TEXAS HEALTH AND SAFETY CODE, Chapter 826, "Rabies," and other applicable statutes ("Animal Control Laws" or "AC Laws").

52.002 GENERAL PROVISIONS.

A. Animal Control Authority/Rabies Control Authority.

1. Animal Control Authority. Travis County hereby designates Travis County Health, Human Services and Veterans Services ("TCHHSVS"), as represented by the Travis County Health Authority or his/her designee, as the Animal Control Authority, to be assisted by the Travis County Sheriff's Office and/or members of the Austin Travis County Health and Human Services Department ("ATCHHSD") as approved by the Commissioners Court, the TCHHSVS Executive Manager, the ATCHHSD Director and/or the Travis County Sheriff, as applicable. The Commissioners Court hereby designates those members of the above departments/offices called upon by authorized personnel to enforce these Rules as designated representatives of the ACA. The ACA may also represent TCHHSVS/ATCHHSD in enforcement activities under Section 52.009 ("Dangerous Wild Animals") of these Rules.

2. Rabies Control Authority. Under these Rules, the Animal Control Authority is also designated as the Rabies Control Authority, with both positions being referred to herein as the Animal Control Authority, or ACA.

B. Area of Jurisdiction. Except for Section 52.010, "Rabies Control," these Rules shall govern the unincorporated areas of Travis County. Section 52.010 shall govern the unincorporated areas of Travis County and shall govern incorporated areas pursuant to Section .015 of Chapter 826.

C. Enforcement.

1. The ACA (including the authorized representatives of the ACA) will enter property and seize animals as authorized under these Rules pursuant to applicable law.

2. For first-time offenders, the ACA will, in effect, waive all or a portion of the fines related to misdemeanor violations under these Rules (except for fines related to Dangerous Dog offenses) upon completion by the Owner of the required City of Austin pet ownership class by not filing the citation issued for the related offense.

3. The ACA will waive all or a portion of the fees related to seizure, impound and/or boarding (except for fees related to Dangerous Dog seizure, impound and/or boarding) when the Owner presents proof of sterilization (and registration, where necessary) of the pet which took place after the violation occurred.

4. ATCHHSD. The enforcement of these Rules will be directed by the ACA through the Animal Control Office of the ATCHHSD through an Interlocal Cooperation Agreement between the City of Austin and Travis County pursuant to the terms of that Agreement. Certain programs and benefits (such as the Responsible Pet Ownership Class) and the operation of the animal shelter utilized to board impounded animals which are related to these Rules that are operated by the ATCHHSD may be subject to change by the City of Austin. These

Rules, however, will be the guidelines enforced and may only be changed by the Commissioners Court.

5. Complaints.

a. Dangerous Dogs. All complaints, applications or other statements filed with the ACA of any violation of these Rules related to Dangerous Dogs shall be in the form of a sworn affidavit which carries with it the penalties associated with filing a false sworn complaint.

b. Other. In cases of violations of other sections of these Rules, the ACA, or ACA representative, must either witness the violation or receive the complaint supported by a sworn statement before a citation will be issued or an animal seized. The ACA may, however, consult with the Owner or take other reasonable action concerning other complaints without having a sworn statement or having witnessed the violation.

6. Appeal. Any person subject to citation or seizure of an animal under these Rules shall have available all recourse under law to appeal such action. In the event of any such appeal, the Owner of the animal may avoid implementation of requirements by posting suitable bond as set by the court. Otherwise, all requirements applicable to the determination which is the subject of the appeal must be met.

D. State Rules. State requirements set forth in Chapter 822 and Chapter 826 shall apply unless specifically addressed and/or changed by these Rules.

52.003 DEFINITIONS

A. "Animal Control Authority" means the Travis County Health, Human Services and Veterans Services ("TCHHSVS"), as represented by the Travis County Health Authority or his/her designee, as the Animal Control Authority, to be assisted by the Travis County Sheriff's Office and/or members of the Austin Travis County Health and Human Services Department ("ATCHHSD") as approved by the Commissioners Court, the TCHHSVS Executive Manager, the ATCHHSD Director and the Travis County Sheriff as applicable.

B. "Animal Control Laws" and/or "AC Laws" means TEXAS HEALTH AND SAFETY CODE, Chapter 822, "Regulation of Animals," and TEXAS HEALTH AND SAFETY CODE, Chapter 826, "Rabies," and other applicable federal, state and local statutes, laws, rules and/or ordinances.

C. "Chapter 822" means Chapter 822 of the TEXAS HEALTH AND SAFETY CODE.

D. "Chapter 826" means Chapter 826 of the TEXAS HEALTH AND SAFETY CODE.

E. "Commissioners Court" means the Travis County Commissioners Court.

F. "Dangerous Dog" means a dog that makes an attack or commits an act or acts;

1. on a person without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes bodily injury to a person or causes a person to reasonably believe that the dog will attack and cause bodily injury to that person;

OR

2. on livestock, a domestic animal or fowl without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes injury to that livestock, domestic animal or fowl, or causes a person to reasonably believe that the dog will attack and cause injury to that livestock, domestic animal or fowl.

For purposes of these Rules, "provocation" shall mean overt act(s) by a person which would reasonably be expected to irritate, harass or aggravate a dog (such as teasing, taunting, etc.), but does not include any act by a person reasonably seen by that person as necessary to intervene to protect another person or livestock, domestic animal or fowl.

G. "Dog" means a domesticated animal that is a member of the canine family.

H. "Owner" means a person who owns or has custody or control of a dog and/or cat (or other animal referenced in these Rules), and includes, as indicated by the context of these Rules, the person in control or having custody of, or feeding or harboring such animal.

I. "Rabies Control Authority" means the Animal Control Authority as defined by Sections 52.002.A.1. and 52.003.A.

J. "Restraint" has the meaning assigned by Sections 52.005A.1 and 52.005.A.6.

K. "Rules" means these Regulations of Travis County, Texas, Governing Animal Control.

L. "Secure Enclosure" means a fenced area or 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 the dog;
4. clearly marked as containing a dangerous dog, only when that designation has been made pursuant to these Rules; and
5. constructed in conformance with other requirements for enclosure as may be established by the ACA pursuant to these Rules.

M. "Serious Bodily Injury" means an injury characterized by severe bite wound(s), scratch(es) 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.

N. "Sheriff" means the Sheriff of Travis County, or his/her designee.

52.004 REGISTRATION

A. Travis County does not require dogs and cats to be registered but strongly recommends that all dog and cat Owners place an animal identification tag on their pet which includes pertinent identification information (such as the address and phone number of the Owner), either on a separate tag or imprinted on the back of the rabies tag (if possible). This will allow quicker return of strays to their owners and may avoid unnecessary impound of pets.

52.005 RESTRAINT

A. Restraint of Dogs. Pursuant to Section 826.014 of Chapter 826, Travis County hereby requires that:

1. It is the responsibility of each Owner to effectively restrain the Owner's dog, which means the dog must either be kept securely on the Owner's property so that the dog remains on the Owner's property or, if not on the Owner's property, on a leash of a length that will allow for the direct control of the dog by the Owner or the person in control of the dog (or otherwise contained, such as in a car, in a crate, etc.) . The ACA may require an Owner to increase the effectiveness of the restraint if the type of restraint used by the Owner is shown not to be effective, as determined by the ACA. A person keeping a dog on a leash shall keep the dog under control at

all times. This leash requirement does not apply in portions of public parks officially designated as no-restraint areas (unless the dog has been determined, pursuant to these Rules, to be a Dangerous Dog, in which case a leash is required even in designated no-restraint areas); however, the Owner must still maintain reasonable control over the dog at all times.

2. Each stray or unrestrained dog be declared a public nuisance.

3. Each stray or unrestrained dog, at the time the dog is stray or unrestrained, shall be seized and impounded by the local ACA or that officer's designee for the time period as follows:

a. where a dog is seized only because it was unrestrained, it may be impounded 3 days or until the Owner retrieves the dog after paying all required fees and/or fines. Any dog not retrieved within 3 days will be subject to City of Austin policies regarding placement of animals. A reasonable effort will be made to notify the Owner of the seizure when information is available regarding the dog's Owner.

b. where a dog is seized and determined, pursuant to these Rules, to be a Dangerous Dog, it may be impounded up to 30 days, or until all requirements of Section 52.006 are met or the ACA determines that the dog can be released.

c. No dog seized and impounded under any section of these Rules will be released to the Owner until the Owner:

- (i) presents proof of registration pursuant to these Rules;
- (ii) presents proof of current rabies vaccination;
- (iii) pays all applicable fees and/or fines; and
- (iv) meets any other applicable requirements of these Rules or AC

Laws.

4. If, by the time the ACA arrives, the dog has returned to the Owner's property, the ACA may issue the citation to the Owner under Section 52.005.C if the complaint is supported by a sworn statement. Upon issuance of 3 citations (any citation issued but not filed under Section 52.002.C.2 counts toward this total number) to the Owner regarding the same dog for failure to restrain under this Section 52.005 (where such citations are upheld), the ACA shall seize and impound the dog. Upon such seizure and impound, the Owner shall be subject to all applicable seizure/impound requirements of this Section 52.005 related to a failure to restrain.

5. Upon expiration of the time period set forth in Section 52.005.A.3, if the dog remains unclaimed, and cannot be placed in a suitable home pursuant to City of Austin/Travis County procedures for placement of dogs, a humane disposition shall be made of the dog pursuant to these Rules and AC Laws.

6. Restraint of a dog must be accomplished by a humane method that is not a danger to the dog, that does not allow the dog to move off the property, and that allows the dog necessary access to food, water, and shelter.

7. Any person may report an unrestrained dog to the ACA.

B. Fees.

1. Rate. The Owner shall pay a fee per day in the amount as set forth in Attachment A to these Rules for the impound and boarding of a dog impounded under ANY provision of these Rules. Boarding costs shall include the reasonable cost of any necessary medical care (as determined by a licensed veterinarian) provided to the dog while the dog is in the

possession of the ACA. Impound under these Rules will be at the City/County animal shelter facility.

2. Payment. Such fee must be paid before the dog is released to the Owner.

3. Use. All such fees collected under this Section 52.005 shall be deposited with the Travis County Treasurer, and shall be used only to defray the cost of administering the portions of these Rules related to authority under Chapter 826, including those costs related to enforcement.

C. Criminal Penalty. If a person fails or refuses to restrain a dog under this Section 52.005 that is required to be restrained under this Section 52.005, that person commits an offense which is a Class C misdemeanor.

52.006 DANGEROUS DOG. Under Section 822.047 of Chapter 822, Travis County hereby adopts the following rules regarding Dangerous Dogs:

A. Determination That a Dog is a Dangerous Dog. A dog may be determined to be a Dangerous Dog under the following procedures:

1. Incident Report. Any person may report by sworn statement an incident described in Section 52.003.F ("Incident") to the ACA. Such statement shall include a description of all elements of the act required under Section 52.003.F, including whether the incident related to actions against a person or actions against livestock, a domestic animal or fowl. Reports of such Incident(s) received by Sheriff's officers or other law enforcement officials or county representatives shall be forwarded to the ACA.

2. Investigation. The ACA, through field officer representative(s) designated by Travis County, will investigate any Incident Report received under Section 52.006.A.1 by taking sworn statements concerning the Incident from witnesses and gathering any other pertinent information related to the Incident.

3. Notice. Written notice will be given to the person filing the Incident Report (when that person provides sufficient contact information), the Owner of the dog (when the Owner is known and sufficient contact information is available), and other interested parties known to the ACA of the time and date of the hearing to review the Incident information.

4. Hearing. A hearing will be held before the Health Authority, or his/her designated representative (with such person always being a person separate from the officers investigating the Incident) to hear testimony from witnesses and review all information gathered related to the Incident.

5. Findings. Upon completion of the hearing, the Health Authority (or his designated representative) shall make a determination based upon a preponderance of the evidence as to whether or not the dog meets the requirements to be determined a "Dangerous Dog" and shall issue such determination either at the end of the hearing or within a reasonable time after the hearing. The determination shall be made in writing and shall include the finding that the dog is a Dangerous Dog (with a description of the action which was the basis of the complaint specifying whether the action was against a person or another animal), shall order compliance with the requirements of these Rules regarding Dangerous Dogs (including a copy of those requirements), and shall advise the Owner of the possible results of failure to comply with those requirements.

6. Notification of Findings. If the determination is not made at the hearing, the Health Authority will notify the ACA, who will promptly notify the Owner and those requesting such notification at the hearing and providing necessary contact information) of the finding by telephone or email, with written notification to follow (as allowed by available contact information). Written notification will include the elements of the determination described in

subsection 5 above and will also be provided as follow-up to any determination made at the hearing. If the dog is determined to be a Dangerous Dog, the Owner:

a. has 15 days in which to appeal the decision to a court of competent jurisdiction;

and/or, if there is no appeal

b. has 30 days (measured from the date the Owner received notice under 52.006.A.5. or the date a final decision is reached under an appeal, whichever applies) to comply with the requirements of Section 52.006.B. and to provide proof of such compliance to the ACA; or

c. if an appeal is filed, during that appeal, the Owner must either comply with the requirements of this Section 52.006 for a Dangerous Dog or post sufficient bond, as determined by the Court, or allow the ACA to continue to impound the dog and pay all fees and costs related to such impoundment on a weekly basis.

d. shall deliver the dog to the ACA for disposition.

B. Requirements for Dangerous Dog Owners Retaining the Dog.

1. Requirements. The Owner of a Dangerous Dog must either deliver the dog to the ACA for disposition or, no later than the 30th day after learning that the person is the Owner of a Dangerous Dog (and on an annual basis for as long as the Owner retains possession of the Dangerous Dog) comply with the following and submit to the ACA proof of such compliance where required:

a. register the dog (and continue registration with current proof of the following) on an annual basis) with the ACA as follows:

(i) provide proof of compliance with the insurance requirements in Section 52.006.B.1.c.;

(ii) provide proof of current rabies vaccination;

(iii) provide proof satisfactory to the ACA of a Secure Enclosure in which the dog is and will be kept when not on a leash under the Owner's direct control (or direct control of a person designated or allowed by the Owner). Such proof may include pictures, statements, or other evidence, including an on-site visit by the ACA, as determined by the ACA. The Secure Enclosure shall be clearly marked as containing a Dangerous Dog;

(iv) pay an annual fee in the amount as set forth in Attachment A to these Rules.

(v) attach the registration tag provided by the ACA to the dog's collar;
and

(vi) within 14 days of moving the dog, provide the ACA notice of the new address with the prior registration tag, pay a fee in the amount as set forth in Attachment A to these Rules, and place the new registration tag provided by the ACA on the dog's collar.

These registration requirements are in addition to those registration requirements set forth in Section 52.004.

b. immediately ensure that the dog is restrained at all times on a leash in the immediate control of a person or in a Secure Enclosure. Failure to restrain the dog as required will subject the dog to immediate seizure and impound by the ACA.

c. obtain liability insurance coverage or show financial responsibility in the following amounts to cover damages resulting from an attack by the dog on any person, livestock, domestic animal or fowl, and provide proof of such to the ACA on an annual basis:

- | | |
|---|--------------|
| (i) for acts against a person (52.003.F.1.) | \$100,000.00 |
| (ii) for acts against livestock, a domestic animal or fowl (52.003.F.2) | \$ 10,000.00 |

d. comply with all other requirements of the ACA contained in the Notification of Findings in which a Dangerous Dog determination has been made or imposed by the ACA pursuant to these Rules. Any additional requirements will be reasonably related to the proper enforcement of the applicable provisions of these Rules and provided to the Owner in writing by the ACA..

e. notify the ACA in writing if the dog dies or if ownership of the dog is transferred to another person within 7 days of such death or transfer of ownership. If ownership is transferred, the written notice shall contain the new Owner's name, address and telephone number. The original Owner must notify the new Owner of the Dangerous Dog status of the dog prior to transferring ownership. The new Owner then becomes responsible for meeting all applicable requirements of these Rules.

f. allow the ACA to identify the dog by microchip with the cost for such identification being born by the County if the procedure is performed at the City/County facility.

2. A person learns that the person is the Owner of a Dangerous Dog under Section B.1. above when:

- a. the Owner knows of an attack described under Section 52.003.F;
- b. the Owner receives notice that a court has made such determination related to proceedings under Section 52.006.C; or
- c. the Owner is informed by the ACA that the dog is a Dangerous Dog under Section 52.006.A.

3. The status of "Dangerous Dog" remains with the dog regardless of ownership, and the requirements of these Rules apply equally to the Owner in possession of the dog when the determination was made and any future Owner.

C. Failure to Comply.

1. Application.

a. Act Against a Person. Any person may make application by sworn statement to the appropriate court to determine that an Owner knowingly has possession of a Dangerous Dog under Section 52.003.F.1 and has failed to comply with Section 52.006.B. A person will be considered to "knowingly have possession of a Dangerous Dog " if that person "learns" that the person has a Dangerous Dog as described under 52.006(B)(2).

b. Act Against An Animal. Any person may make application by sworn statement to the ACA to determine that an Owner knowingly has possession of a Dangerous Dog under Section 52.003.F.2 and has failed to comply with Section 52.006.B. A person will be considered to "knowingly have possession of a Dangerous Dog " if that person "learns" that the person has a Dangerous Dog as described under 52.006(B)(2).

2. Hearing.

a. Act Against a Person. On receipt of such application under 52.006.C.1.a, the court shall set a hearing date that is within 10 days of receiving the application, and give written notice of such hearing date to the Owner, the applicant and any other known interested parties.

b. Act Against an Animal. On receipt of such application under 52.006.C.1.b, the ACA shall set a hearing date that is within 10 days of receiving the application, and give written notice of such hearing date to the Owner, the applicant and any other known interested parties.

3. Decision.

a. Act Against a Person. If the court determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against a person, the court shall order the ACA to seize the dog and shall issue a warrant authorizing the seizure. The Owner may appeal the decision of the court to the appropriate court. Nothing in this subsection prevents the ACA from seizing the dog at any time under this or any other applicable portion of these Rules.

b. Act Against an Animal. If the ACA determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against an animal, the ACA shall seize the dog. The Owner may appeal the decision of the ACA to the appropriate court. Nothing in this subsection prevents the ACA from seizing the dog at any time under this or any other applicable portion of these Rules.

4. Impound. Upon such court order or decision by the ACA under Subsection 3 above, the ACA shall seize and impound the dog.

5. Compliance.

a. Appeal. No further action shall be taken regarding the dog (other than the ACA continuing to impound the dog) if the Owner files an appeal under 52.006.C.3. until a final decision is issued under such appeal. If the decision of the appeals court is that the dog is not a Dangerous Dog or that the Owner has not failed to comply, the dog shall be immediately released to the Owner. If the appeals court agrees that the dog is a Dangerous Dog and that the Owner has failed to comply with applicable requirements of these Rules, (or if no appeal is filed) subsections "b" and "c" below will apply, with the time periods being measured from the date of such decision of the appeals court rather than the date the dog is seized.

b. Release. The court shall order the dog released to the Owner if the Owner:

(i) before the 11th day after the dog was seized, shows proof of compliance with the applicable requirements; and

(ii) pays any cost (including necessary medical costs, as determined by a licensed veterinarian), fee or fines assessed by Travis County related to the seizure, acceptance, and impoundment.

c. Destruction.

(i) If the Owner does not fulfill the requirements of Section 52.006.C.5.b (i) and (ii) within the 11 day time period, in the event that the attack or acts were directed toward a person, the court shall order the ACA to humanely destroy the dog.

(ii) If the Owner does not fulfill the requirements of Section 52.006.C.5.b (i) and (ii) within the 11 day time period, in the event the attack or acts were directed toward livestock, a domestic animal or fowl, the court may make its own determination as to the action to be taken or submit the matter to the ACA for consideration by hearing as set forth in subsection 52.006 D.2. below. The Owner shall pay all costs related to the seizure, acceptance, impoundment and/or destruction of the dog (including necessary medical costs, as determined by a licensed veterinarian).

(iii) If the Owner of the dog is not found by the 15th day after the dog was seized, and the dog is a Dangerous Dog, the court shall order the dog humanely destroyed.

D. Attack by a Dangerous Dog. Subject to the following, Section 822.044 of Chapter 822 shall apply to any attack by a Dangerous Dog after such determination has been made:

1. After a dog has been determined to be a Dangerous Dog, notification of an attack by a Dangerous Dog on any person, livestock, or domestic animal or fowl shall be given to the ACA within 24 hours of the attack or as soon as such attack is known by any person to have occurred.

2. Attack on an Animal. The offense classifications of the statute (as set forth in Section 52.006.E. herein) shall only apply to attacks against a person. If the attack is against livestock, domestic animals or fowl, the attack shall be registered with the ACA. After one such registered attack (an attack made after the dog has been determined to be a Dangerous Dog), the dog shall be surrendered to the ACA. The ACA shall schedule a hearing to be held pursuant to 52.006.C with prior notice of such hearing to the Owner. Unless good cause shall be shown at the hearing as to why the dog should not be destroyed, the ACA shall ~~to~~ humanely destroy the dog. If the ACA finds reason not to destroy the dog, and a second attack occurs, then the ACA must humanely destroy the dog.

E. Violation.

1. Attack by a Dangerous Dog Against a Person.

a. A person commits an offense if the person is the owner of a Dangerous Dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

b. An offense under this section is a Class C misdemeanor, unless the attack causes Serious Bodily Injury or death, in which event the offense is a Class A misdemeanor.

c. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person authorized under the AC Laws to perform such a procedure.

d. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having jurisdiction in the county where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county.

2. Any person who keeps a Dangerous Dog which was classified as such because of an attack or act upon a person and does not comply with all requirements of these Rules commits an offense which is a Class C misdemeanor, unless it is shown at trial that the defendant has previously been convicted of an offense under this Subsection 52.006, in which case the offense is a Class B misdemeanor. Defenses to prosecution under this Section 52.006 are as set forth in Section 822.046 of Chapter 822. This Section 52.006.E applies only to a dog determined to be a Dangerous Dog as a result of an attack or acts against a person, and does not apply where the attack or acts were against livestock, a domestic animal or fowl.

52.007 DOGS CAUSING DEATH OR SERIOUS BODILY INJURY TO A PERSON.

A. Travis County adopts the provisions of 822.001 - 822.005 regarding dogs causing death of or serious bodily injury to a person.

52.008 DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS.

A. Travis County adopts the provisions of 822.012 - 822.013 regarding dogs and coyotes that are a danger to animals.

52.009 DANGEROUS WILD ANIMALS

A. Authority. Authority of Travis County to adopt this Section 52.009 include TEXAS HEALTH AND SAFETY CODE, Section 822.101 et seq. , and TEXAS LOCAL GOVERNMENT CODE, Section 240.002(a), under which the Travis County Commissioners Court may prohibit or regulate the ownership, possession, confinement, or care of certain animal(s) in the County.

B. Certificate of Registration Program. Travis County hereby adopts the certificate of registration program related to Dangerous Wild Animals as set forth in Subchapter E, Section 822.101 through 822.116, TEXAS HEALTH AND SAFETY CODE, and those other requirements set forth in this Section 52.009 under the authority of the Commissioners Court set forth in Section 822.116 of Chapter 822 to "regulate by ordinance or order the ownership, possession, confinement, or care of a Dangerous Wild Animal."

C. Definitions. As to this Section 52.009, these words have the following meanings:

1. "Dangerous Wild Animal" means an animal of a species defined as a "dangerous wild animal" in Subchapter E, Section 822.101, TEXAS HEALTH AND SAFETY CODE. Those animals are, at the time of approval of these Rules: lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla or any hybrid of an animal listed herein.

2. "Wildlife Sanctuary" is defined as a nonprofit organization under Section 170(b)(1)(A)(vi), INTERNAL REVENUE CODE of 1986, whose principle activity is to operate a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced Wild Animals are provided care for their lifetimes, or released back to their natural habitats, or transferred (not sold) to a location in compliance with all applicable laws, and which does not breed,

buy, sell, trade, barter or auction any Dangerous Wild Animal that is owned by it or over which it has custody or control.

D. **Registration Program.**

1. **Application.** In addition to those requirements for application set forth in Section 822.104 of Chapter 822, an applicant for an original or renewal certificate of registration for a Dangerous Wild Animal must file an application showing evidence that the applicant meets the requirements set forth herein to qualify as a Wildlife Sanctuary. Failure to submit acceptable proof of such status or to maintain such status will result in the denial or revocation of a certificate of registration under this Section 52.009.

2. **Other Requirements.** In addition, the applicant must show that the applicant, operating as a "Wildlife Sanctuary," as defined herein, fully complies with all other requirements of Sections 822.101 - 822.116 of Chapter 822.

E. **Offense.**

1. **Misdemeanor.** A person commits an offense if the person fails to comply with any portion of this Order, such offense to be prosecuted under state law. An offense under this Order is a Class C misdemeanor. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

2. **Penalties.** Any person keeping a Dangerous Wild Animal in violation of this Order or the provisions of HEALTH AND SAFETY CODE, Section 822.101 through 822.116 is subject to the penalty provisions provided in those applicable sections of the HEALTH AND SAFETY CODE.

3. **Injunction.** The County Attorney may file an action in a district court to enjoin a violation or threatened violation of an order adopted under this Order pursuant to Section 240. LOCAL GOVERNMENT CODE.

F. **Animal Registration Agency.** The Animal Registration Agency for Travis County is Travis County Health, Human Services and Veterans' Services ("TCHHSVS"), or its designated representative, Austin Travis County Health and Human Services Department ("ATCHHSD").

52.010 RABIES CONTROL. Travis County hereby adopts the non-conflicting provisions of Chapter 826 related to rabies control not specifically addressed herein, to be implemented as set follows:

A. **Rabies Control Authority.** Travis County hereby designates the ACA as the Rabies Control Authority.

B. **Vaccination.**

1. **Regular Vaccination.** Except as otherwise provided by state rule, the Owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by state rule.

2. **Certificate.** A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's Owner a certificate in a form that meets minimum state standards. Proof of vaccination is required before an animal can be registered or licensed.

3. **Penalty.** A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated pursuant to these Rules. Such offense is a Class C Misdemeanor, or a Class B misdemeanor if the person has previously been convicted of this offense.

C. Reports of Rabies. A person who knows of a bite or scratch to a person that could reasonably be seen as capable of transmitting rabies or a person who suspects an animal is rabid shall report such to the ACA. The report must include the name and address of any victim and of the animal's Owner, if any; and any other helpful information.

D. Investigation. The ACA shall investigate any report made under 52.010.C.

E. Quarantine and Release or Disposition of Quarantined Animals. Quarantine, release and/or disposition of animals held because of possible rabies will be carried out pursuant to Sections 826.042 through Section 826.055 of Chapter 826.

52.011. EFFECTIVE DATE. These Rules shall be effective March 15, 2005.

ATTACHMENT A

SCHEDULE OF FEES

Impound Fee	\$ 40.00
Sterilization Deposit	\$ 50.00
Charged for animals that have not been sterilized; to be returned upon showing of proof by Owner that the animal has been sterilized.	
Per Day Impound/Boarding	\$ 5.00 per day
Registration of Dangerous Dog	
Under F.1 (action against a person)	\$ 50.00
Under F.2 (action against livestock, a domestic animal or fowl)	\$ 50.00
Change of Address of Dangerous Dog	
Under F.1 (action against a person)	\$ 25.00
Under F.2 (action against livestock, a domestic animal or fowl)	\$ 25.00