

**CORYELL COUNTY ORDINANCE RELATING
TO THE KEEPING OF WILD ANIMALS**

NO. 2006 - 001

ORDER RELATING TO THE KEEPING OF WILD ANIMALS

THIS ORDER is adopted in accordance with Texas Local Government Code Section 240.002 and Texas Health and Safety Code Chapter 822, Subchapter E and applies in the unincorporated area of the county.

WHEREAS, to preserve and protect public health and safety, the Commissioner's Court of Coryell County, Texas desires to prohibit the keeping of a wild animal in the unincorporated area of the county except by a person who is currently licensed as a Class C exhibitor under the federal Animal Welfare Act (7 U.S.C., §2131 etc.) and who fully complies with the requirements set forth herein.

NOW, THEREFORE, BE IT ORDERED by the Commissioner's Court of Coryell County, Texas as follows:

1. This Order supercedes and repeals the Coryell County Commissioner's Court Order dated October 9, 2001 and amendments thereto dated November 12, 2001 and September 23, 2002.
2. For purposes of this Order, the following terms shall have the following meanings:
 - (a) "Wild animal" shall mean and include any animal or hybrid thereof defined as a "dangerous wild animal" in Subchapter E, Chapter 822 of the Texas Health and Safety Code as from time to time amended..
 - (b) "Animal registration agency" shall mean the Coryell County Sheriff's Office.
 - (c) "Person" shall mean an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.
3. The keeping of a wild animal within the unincorporated area of Coryell County, Texas is hereby prohibited unless the wild animal is owned and kept in Coryell County by a person who currently has a valid Class C exhibitor's license issued under the federal Animal Welfare Act (7 U.S.C., §2131 etc.), who meets all of the following requirements:
 - (a) The person must have a valid Class C exhibitor's license and be keeping wild animal(s) in Coryell County, Texas on the effective date of this Order and thereafter continue to maintain his Class C exhibitor's license in good standing.
 - (b) The person shall strictly comply with the registration and all other requirements of Chapter 822, Subchapter E of the Texas Health and Safety Code; the caging standards for dangerous wild animals adopted by the Texas Board of Health pursuant thereto; and Section 4 of this Order.
4. The following procedures shall be followed in registering a wild animal:

(a) The applicant shall complete and submit to the animal registration agency an application for certificate of registration on a form provided by the animal registration agency. The application form and accompanying submittals must include, at a minimum, the information set forth in Section 822.104 of the Texas Health and Safety Code.

(b) The applicant, for an original or renewal certificate of registration under this Order, shall pay to the animal registration agency an annual registration fee of \$50.00 per wild animal being registered, up to a maximum registration fee of \$500.00 per year.

(c) A certificate of registration issued under this Order is not transferable and shall be valid for one year after its date of issuance or renewal unless revoked. It shall be the responsibility of the applicant to seek renewal prior to the expiration of his certificate of registration each year that the person owns or is in possession of a wild animal.

5. A person commits an offense if the person is found to have violated any provision of this Order. Each animal with respect to which there is a violation and each day that violation continues is a separate offense. Each such offense is punishable as a Class C misdemeanor. Upon conviction of an offense under this Order, the animal registration agency may seize all wild animals owned by the person so convicted and upon such seizure; the person's ownership in the wild animals seized shall be forfeited and the animal registration agency may humanely dispose of the animal in such a manner as it reasonably deems appropriate.

6. A person who violates this Order or fails to register an animal in accordance with this Order, or fails to comply with the provisions of Chapter 822, Subchapter E of the Texas Health and Safety Code, or fails to comply with the caging standards adopted there under by the Texas Board of Health is also liable for a civil penalty of not less than \$200.00 or more than \$2,000.00 for each animal with respect to which there is a violation and for each day the violation continues.

7. The county attorney or any resident of the county may file an action in a district court to enjoin a violation or threatened violation of this Order.

8. This Order does not apply to: (1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity; (2) a medical research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act; (3) an organization that is an accredited member of the American Zoo and Aquarium Association; (4) an injured, infirm, orphaned, or abandoned wild animal while being transported for care or treatment; (5) an injured, infirm, orphaned, or abandoned wild animal while being rehabilitated, treated, or temporarily cared for by a licensed veterinarian, county or municipal animal shelter, or a person who holds a rehabilitation permit for such animal issued under Subchapter C, Chapter 43, Parks and Wildlife Code; (6) a wild animal owned by and in the custody and control of a transient circus company that is not based in this state if: (A) the animal is used as an integral part of the circus performances; and (B) the animal is kept within this county only during the time the circus is performing in this county; (7) a wild animal while in the temporary custody or control of a television or

motion picture production company during the filming of a television or motion picture production in this county; (8) a wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university; (9) a wild animal while being transported in interstate commerce through the county in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act; (10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments; and (11) a wild animal that is: (A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and (B) an integral part of that species survival plan.

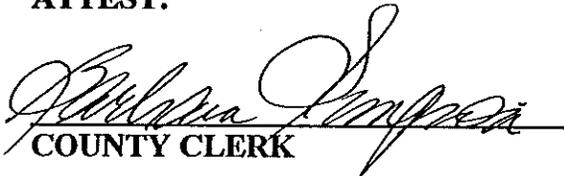
This Order is hereby passed and approved, and shall become effective this 23rd day of January 2006.

CORYELL COUNTY COMMISSIONERS' COURT



COUNTY JUDGE

ATTEST:



COUNTY CLERK

CERTIFICATE OF REGISTRATION FOR A DANGEROUS WILD ANIMAL

Issuance Date _____

Certificate No. _____

THIS IS TO CERTIFY THAT

[Name, Street Address, City, County, State, Zip and Phone Number of Owner]

has registered, the dangerous wild animal(s) listed below pursuant to the requirements of the Texas Health & Safety Code with

[Name, Street Address, City, County, State and Zip of Animal Registration Agency]

Species Sex Age Color, Distinguishing Marks, and Other Features (e.g., ear notch, tattoo, sterilized, etc.)

The location where the animal(s) is kept:

(Street Address) (City) (County) (State) (Zip)

Signature of Authorized Official _____

This certificate will expire one year from the issuance date unless revoked for good cause.

This certificate is non-transferable.

This certificate must be publically displayed at the location where the animal(s) is kept.

A copy of this certificate, plus a filing fee of \$20 per animal must be filed with the
Texas Department of Health, Zoonosis Control Division, 1100 West 49th Street, Austin, TX 78756
within ten days after the issuance date.

IV. FACILITIES AND OPERATIONS:

Location where each animal will be permanently kept: _____
(Attach additional sheet if more address information is required) street address _____

city _____ county _____ state _____ zip _____
Tel: _____ Fax: _____

Primary Caretaker: _____
name _____
street address _____
city _____ county _____ state _____ zip _____
Tel: _____ Fax: _____

Attending Veterinarian: _____
name _____
street address _____
city _____ county _____ state _____ zip _____
Tel: _____ Fax: _____

Does anyone reside on the premises where an animal is kept? Yes No If yes, how many persons? _____

Are the facilities open to the public? Yes No If yes, describe in detail the type of operation which involves the public, including hours of operation, average number of visitors per day, and any safety or emergency plan: _____

(Attach additional sheet if required)

Are you requesting approval of any deviation from the Caging Requirements and Standards established by the Texas Board of Health? Yes No If yes, attach additional sheet describing in detail the deviation sought and the reason therefor.

List the name, address and phone number of the nearest medical emergency service agency and law enforcement agency for contact in case of an emergency involving an escape or attack by an animal:

Medical Emergency Service Agency:
Name: _____
Address: _____
Tel: _____

Law Enforcement Agency:
Name: _____
Address: _____
Tel: _____

Do you understand that if a Certificate of Registration is issued you must publically display the Certificate at the location where any of the animals are kept and you must also file a copy of the Certificate with the Texas Department of Health in Austin, Texas along with a filing fee of \$20 per animal within 10 days after it is issued and that failure to do so may result in a fine and/or revocation of your certificate? Yes No

V. REQUIRED SUBMISSION ITEMS:

I have submitted with this application the following items:

- 1. A non-refundable fee of \$ _____ Yes No
- 2. Proof of the required liability insurance (minimum \$100,000) (This must be in the form of an insurance certificate signed by the issuing company or agency and addressed to the appropriate animal registration agency.) Yes No
- 3. Color photo of each animal for which a certificate of registration is sought, taken no earlier than 30 days prior to this application date. (The photo must clearly show the face, eyes, nose, ears and neck of the animal with the animal's name and the photo date written on the back.) Yes No
- 4. A photograph and scaled diagram of the primary enclosure in which each animal is to be kept. (Identify on each photograph and diagram which animal listed above will be kept in the primary enclosure shown.) Yes No
- 5. A scaled diagram of the premises where any animal will be kept showing the location of each primary enclosure; any residence situated on the premises; and the perimeter fencing. Yes No
- 6. If applicable, a copy of the Applicant's Class A or Class B Dealers License or Class C Exhibitors License issued under the federal Animal Welfare Act. N/A Yes No
- 7. If this application is for a renewal certificate of registration, the required veterinarian certificate certifying that the animal's health and care meets or exceeds the standards prescribed in Subchapter E, Chapter 822 of the Texas Health & Safety Code. N/A Yes No

VI. SWORN STATEMENT:

Under penalties of perjury the undersigned certifies: that all information in this Application and in the Required Submission Items is true, complete and correct; that the undersigned has read the material listed in I.A. of the Instructions; and that all facilities used to confine or enclose the animal(s) covered by this Application comply with the Caging Requirements and Standards established by the Texas Board of Health.

Signature of Applicant or Authorized Agent _____

Subscribed and sworn to before me the undersigned authority this _____ day of _____, 20__.

Date: _____

[SEAL]

Notary Public, in and for the State of Texas

SUBCHAPTER E. DANGEROUS WILD ANIMALS

§ 822.101. DEFINITIONS. In this subchapter:

(1) "Animal registration agency" means the municipal or county animal control office with authority over the area where a dangerous wild animal is kept or a county sheriff in an area that does not have an animal control office.

(2) "Board" means the Texas Board of Health.

(3) "Commercial activity" means:

(A) an activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature;

(B) an activity for which a fee is charged and that is entertainment using or an exhibition of the animal; or

(C) the selling, trading, bartering, or auctioning of a dangerous wild animal or a dangerous wild animal's body parts.

(4) "Dangerous wild animal" means:

(A) a lion;

(B) a tiger;

(C) an ocelot;

(D) a cougar;

(E) a leopard;

(F) a cheetah;

(G) a jaguar;

(H) a bobcat;

(I) a lynx;

(J) a serval;

(K) a caracal;

(L) a hyena;

(M) a bear;

(N) a coyote;

(O) a jackal;

(P) a baboon;

(Q) a chimpanzee;

(R) an orangutan;

(S) a gorilla; or

(T) any hybrid of an animal listed in this subdivision.

(5) "Owner" means any person who owns, harbors, or has custody or control of a dangerous wild animal.

(6) "Person" means an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.

(7) "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.102. APPLICABILITY OF SUBCHAPTER. (a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county,

dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency.

(b) A certificate of registration issued under this subchapter is not transferrable and is valid for one year after its date of issuance or renewal unless revoked.

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant may not exceed \$50 for each animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.104. CERTIFICATE OF REGISTRATION

APPLICATION. (a) An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with an animal registration agency on a form provided by the animal registration agency.

(b) The application must include:

- (1) the name, address, and telephone number of the applicant;
- (2) a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;
- (3) the exact location where each animal is to be kept;
- (4) a sworn statement that:
 - (A) all information in the application is complete and accurate; and
 - (B) the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; and
- (5) any other information the animal registration agency may require.

(c) An applicant shall include with each application:

- (1) the nonrefundable fee;
- (2) proof, in a form acceptable by the animal registration agency, that the applicant has liability insurance, as required by Section 822.107;
- (3) a color photograph of each animal being registered taken not earlier than the 30th day before the date the application is filed;
- (4) a photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and
- (5) if an applicant holds a Class "A" or Class "B" dealer's license or Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, a clear and legible photocopy of the license.

associated with filing a certificate of registration under this subsection.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.107. LIABILITY INSURANCE. An owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.108. INSPECTION. An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.109. RELOCATION OR DISPOSITION OF ANIMAL. (a) An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies the animal registration agency in writing of the exact location to which the animal will be relocated and provides the animal registration agency, with respect to the new location, the information required by Section 822.104.

(b) Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing of the death, sale, or other disposition.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.110. ATTACK BY ANIMAL; ESCAPE OF ANIMAL; LIABILITY. (a) An owner of a dangerous wild animal shall notify the animal registration agency of any attack of a human by the animal within 48 hours of the attack.

(b) An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal.

(c) An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.

(d) An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or

(d) In addition to the items required under Subsection (c), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the veterinarian:

(1) inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and

(2) finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.105. DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION; APPEAL. (a) If the animal registration agency finds that an application for an original or renewal certificate of registration under this subchapter does not meet the requirements of Section 822.104 or, after inspection, that an applicant has not complied with this subchapter, the animal registration agency shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.

(b) If the animal registration agency finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with this subchapter, the animal registration agency shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.

(c) A person may appeal the denial of an original or renewal certificate of registration or the revocation of a certificate of registration to the justice court for the precinct in which the animal is located or the municipal court in the municipality in which the animal is located not later than the 15th day after the date the certificate of registration is denied or revoked. Either party may appeal the decision of the justice or municipal court to a county court or county court at law in the county in which the justice or municipal court is located. The decision of the county court or county court at law may not be appealed.

(d) The filing of an appeal of the denial or revocation of a certificate of registration under Subsection (c) stays the denial or revocation until the court rules on the appeal.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.106. DISPLAY OF CERTIFICATE OF REGISTRATION. (a) A holder of a certificate of registration shall prominently display the certificate at the premises where each animal that is the subject of the certificate of registration is kept.

(b) Not later than the 10th day after the date a person receives a certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Texas Department of Health. The department shall establish a procedure for filing a certificate of registration and shall charge a reasonable fee in an amount sufficient to recover the cost

for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.111. POWERS AND DUTIES OF BOARD; CAGING REQUIREMENTS AND STANDARDS. (a) The board by rule shall establish caging requirements and standards for the keeping and confinement of a dangerous wild animal to ensure that the animal is kept in a manner and confined in a primary enclosure that:

(1) protects and enhances the public's health and safety;

(2) prevents escape by the animal; and

(3) provides a safe, healthy, and humane environment for the animal.

(b) An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the board.

(c) An animal registration agency may approve a deviation from the caging requirements and standards established by the board, only if:

(1) the animal registration agency has good cause for the deviation; and

(2) the deviation:

(A) does not compromise the public's health and safety;

(B) does not reduce the total area of the primary enclosure below that established by the board; and

(C) does not otherwise adversely affect the overall welfare of the animal involved.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.112. CARE, TREATMENT, AND TRANSPORTATION OF ANIMAL. (a) For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act relating to:

(1) facilities and operations;

(2) animal health and husbandry; and

(3) veterinary care.

(b) An owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care and shall make the log available to the animal registration agency or its agent on request. The log must:

(1) identify the animal treated;

(2) provide the date of treatment;

(3) describe the type or nature of treatment; and

(4) provide the name of the attending veterinarian, if applicable.

(c) When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (7 U.S.C. Section 2131

et seq.) and its subsequent amendments or the regulations adopted under that Act.

(d) A person is exempt from the requirements of this section if the person is caring for, treating, or transporting an animal for which the person holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.113. OFFENSE AND PENALTY. (a) A person commits an offense if the person violates Section 822.103(a), Section 822.106, or Section 822.110(a) or (b). Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(b) A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this subchapter.

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

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.114. CIVIL PENALTY. (a) A person who violates Section 822.103(a) is liable for a civil penalty of not less than \$200 and not more than \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.

(b) The county or municipality in which the violation occurs may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county or municipality.

(c) The county or municipality in which the violation occurs may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for the animal registration agency's expenditures was made.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.115. INJUNCTION. Any person who is directly harmed or threatened with harm by a violation of this subchapter or a failure to enforce this subchapter may sue an owner of a dangerous wild animal to enjoin a violation of this subchapter or to enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

§ 822.116. EFFECT OF SUBCHAPTER ON OTHER LAW. (a) This subchapter does not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of this state or a political subdivision of this state.

(b) This subchapter does not prevent a municipality or county from prohibiting or regulating by ordinance or order the ownership, possession, confinement, or care of a dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, § 1, eff. Sept. 1, 2001.

STATE OF TEXAS
COUNTY OF CORYELL

I, Barbara Simpson, County Clerk In and for Coryell County, Texas do hereby certify that this instrument was filed for record in the volume and page of the Coryell County Public Records and at the time and date as stamped hereon by me.



BARBARA SIMPSON, CLERK
CORYELL COUNTY, TEXAS

Barbara Simpson

Filed For Record
AT 8:30 O'CLOCK AM

MAR 15 2006

Barbara Simpson
County Clerk, Coryell Co., Texas

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