

CORYELL COUNTY RABIES CONTROL ORDINANCE

NO. 2010 - 03

SECTION 1

INTENT AND AUTHORITY

Section 1.1 – Authority.

These regulations are adopted by the Commissioners' Court of Coryell County, Texas, acting in its capacity as the governing body of Coryell County, Texas as authorized by Chapter 826 of the Texas Health and Safety Code establishing the Rabies Control Act of 1981. Chapter 826 authorizes a county government to adopt said chapter and to adopt such rules as are necessary to establish a local rabies control program, including setting standards that may be equal to or more stringent than those set out in Chapter 826 or adopted by the Texas Department of Health.

Section 1.2 – Intent.

It is the intent of the Commissioners' Court of Coryell County, Texas, to enact this ordinance in order to protect the public health and safety of the citizens of Coryell County. Commissioners' Court recognizes there is an existing problem in the unincorporated portions of Coryell County with stray cats and dogs, as well as other animals that, if uncontrolled, presents a potential risk for the spread of rabies. Commissioners' Court hereby declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 1.3 – Strict Liability.

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

Section 1.4 – Municipal Ordinances to Supersede

This ordinance shall not prevent a corporate municipality within the county from establishing any rules and regulations to control rabies and or animals within its corporate limits. Any such ordinance established by said corporate municipalities shall supersede this ordinance thereby preventing dual enforcement. In such cases, this ordinance will not be enforced within the corporate limits of that municipality.

Section 1.5 – Severance Clause.

In case of any one or more of these sections, provisions, clauses, or words of these regulations or the application of such sections, provisions, clauses, or words to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or

unconstitutionally shall not effect any other sections, provisions, clauses, or words of these regulations or the applications of such sections, provisions, clauses, or words to any other situations or circumstance, and it is intended that these regulations shall be severable and shall be constructed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

SECTION 2

DEFINITIONS

As used in these regulations, the following words and phrases have the following meanings, unless context clearly demonstrates otherwise:

Section 2.1 – Animal.

A warm-blooded animal.

Section 2.2 – Animal Control Officer.

The Coryell County Sheriff or his designee. A person working for the Coryell County Sheriff's Office with specific duties under these regulations.

Section 2.3 – Board.

The Texas Board of Health.

Section 2.4 – Cat.

Felis catus.

Section 2.5 – Commissioners' Court.

Commissioners' Court of Coryell County, Texas.

Section 2.6 – County.

The areas of Coryell County covered by these regulations.

Section 2.7 – Dog.

A domesticated animal that is a member of the canine family, Canis familiaris.

Section 2.8 – Secure Enclosure.

A fenced area or structure that is:

- a) locked;
- b) capable of preventing the entry of the general public, including children;
- c) capable of preventing escape or release of a animal;
- d) clearly marked as containing a dangerous animal; and
- e) conforms to the requirements for enclosures established by the local animal control authority.

Section 2.9 – Owner.

A person who owns or has custody or control of the animal.

Section 2.10 – Designee.

Any officer, office or organization designated by Section 2.2 of these regulations to enforce or assist in enforcing these regulations.

Section 2.11 – Health Authority.

The Coryell County Sheriff’s Office.

Section 2.12 – Impoundment.

Confinement of any animal at facilities approved by the Board or the Health Authority for the confinement of animals or at a kennel or facility maintained by a licensed veterinarian.

Section 2.13 – Pack of Dogs.

Three (3) or more dogs that run together at large in the County.

Section 2.14 – Persons.

An individual, corporation, government or governmental subdivision, or agency, business trust, estate, trust, partnership association, or any other legal entity.

Section 2.15 – Quarantine.

Strict confinement at a facility approved by the Board, Health Authority or Commissioners’ Court.

Section 2.16 – Rabies.

An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Section 2.17 – Regulations.

The Regulations of Coryell County, Texas for the Control of Rabies.

Section 2.18 – Stray.

Roaming with no physical restraint beyond the premises or control of an animal's owner or keeper. This definition shall not apply to trained dogs used in law enforcement, hunting, or herding under direct supervision of an owner or keeper.

Section 2.19 – Law Enforcement Personnel.

The Law Enforcement Personnel of Coryell County, Texas including the Sheriff, Constables, and their deputies.

Section 2.20 – Coryell County.

Coryell County, Texas.

Section 2.21 – Unincorporated Territory.

The territory outside the corporate limits of an incorporated city or town.

Section 2.22 – Veterinarian.

A veterinarian licensed to practice veterinary medicine in Texas.

Section 2.23 – Restrain.

To retain control by leash, cord, halter, cage, other secure confinement, or by effective verbal command of the owner or other person, whether on or off premises of the owner.

Section 2.24 – Nuisance.

Such actions on the part of an animal that constitutes a legitimate threat to a person or property, or to the animal itself, or that cause a reasonable concern for the welfare of a person, property, or the animal itself.

SECTION 3

REPORTS OF EXPOSURE TO RABIES AND OF RABID ANIMALS

Section 3.1 – Reporting.

- a) The Sheriff’s Office Dispatcher shall be the person to call to report an animal bite or scratch, or knowledge of an animal, which is suspected of being rabid. The report shall include the name, address, and telephone number of any victim and the owner of the animal, if known, and any other data which may aid in locating the victim or the animal.
- b) Law Enforcement Personnel shall investigate all reports filed under this section. A copy of their report shall be given to the Animal Control Officer.
- c) The owner of an animal that is reported to have bitten or scratched a person shall abide by quarantine as specified in Section 4. Any owner of such animal commits an offense if he or she fails to submit the animal for quarantine as required by Section 4 of these regulations or fails to comply with the mode of quarantine. An offense under this section is a Class C misdemeanor.

SECTION 4

RABIES CONTROL

Section 4.1 – Procedures.

- a) The Animal Control Officer, or any veterinarian shall quarantine in accordance with the rules of the Texas Department of Health any animal that the Animal Control Officer or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed an individual to rabies by bite or scratch or other means. The animal shall be quarantined at the owner’s expense for observation for a period of not less than ten (10) days following a bite, scratch, or exposure constituting a risk. Pending quarantine, such animal shall be confined by the owner in a building or other secure enclosure, or securely chained to prevent escape or injury to such animal and to prevent contact with other persons or animals. Failure of an owner to so confine an animal prior to quarantine shall be unlawful.
- b) Should an animal bite or scratch the owner or a member of his/her immediate family, the animal may be quarantined at home of the owner without regard to vaccination or restraint of the animal at the time of the incident if a veterinary examination of the animal reveals no reason to suspect the presence of rabies in the animal. Should there be any doubt as to the presence of rabies in the animal by the examining veterinarian, then the animal shall be kept in quarantine at a facility approved by the Animal

Control Officer. The animal shall be examined by a veterinarian at the conclusion of the quarantine period.

- c) Should an animal bite or scratch any person within the County and it reasonably appears to the Animal Control Officer that the bite or scratch occurred while the animal was physically restrained from leaving the premises of the owner or keeper, or that the bite or scratch occurred due to wrongful entry onto the property not owned by the victim, or the bite or scratch was in any way intentionally provoked by the victim, the costs of impoundment shall be born by the person bitten or scratched. Coryell County or its designee may require adequate deposit from the bite victim to cover the cost of impoundment, examinations, and quarantine. The animal shall be quarantined only if demanded by the person bitten or scratched, or if ordered by the Animal Control Officer, in which case the animal shall be quarantined at an appropriate facility at no expense to the owner.
- d) An owner shall submit at the Animal Control Officer's request any animal that is reported to be rabid or to have exposed an individual to rabies, or the owner knows or suspects is rabid or has exposed an individual to rabies. Failure of an owner or person in control of a suspect animal to submit such animal to the Animal Control Officer or a veterinarian as requested shall be unlawful.
- e) The Animal Control Officer or their designee may use any reasonable means to accomplish the impoundment of any animal, which has bitten or scratched a person within the County, which the owner has failed to impound.
- f) A person commits an offense if he or she knowingly gives or causes to be given, during the observation period, any anti-rabies treatment or other treatment to the animal impounded for observation which may modify the course of rabies or interfere with clinical or laboratory diagnosis of rabies.
- g) If a veterinarian determines that a quarantined animal does not show signs of rabies, the veterinarian or Animal Control Officer shall release the animal to its owner at the expiration of the quarantine period if the owner has an unexpired rabies vaccination certificate for the animal, or the animal is vaccinated against rabies at the owner's expense.
- h) If the veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian or Animal Control Officer shall immediately and humanely destroy the animal. If the animal dies or is destroyed while in quarantine, the head or brain of the animal shall be removed and submitted to a Texas Department of Health laboratory for testing.
- i) The owner of an animal quarantined under this order or state law shall be responsible for paying the veterinarian and/or Animal Control Officer all reasonable costs of the quarantine and disposition of the animal. In the event that an owner fails to redeem

the quarantined animal within five (5) days following expiration of the quarantine period, the veterinarian or Animal Control Officer may sell, keep, or humanely destroy the animal.

- j) If the owner of the quarantined animal is unknown, the animal shall be considered a stray. In the event an owner is unknown or cannot be identified within five (5) days following expiration of the quarantine period, the veterinarian or Animal Control Officer may sell, keep or humanely destroy the animal.
- k) Should an owner fail or refuse to comply with the provisions of this section, a justice court may, upon a finding of probable cause based on an affidavit of a credible person showing that the animal in question bit or scratched an individual, or is reasonably believed to have rabies or to have been exposed to rabies, issue an order to the Animal Control Officer or any peace officer directing that any suspect animal be seized and impounded for quarantine observation in accordance with this order. The expense of such quarantine shall be paid by the owner.
- l) A person owning or keeping an animal which has bitten or scratched a person, and which is the subject of an affidavit, commits an offense if he or she fails or refuses to comply with the provisions of this section, or if he or she interferes with or attempts to interfere with the impoundment provided for herein. An offense under this subsection is a Class C misdemeanor.
- m) Action under this ordinance is an "Official Proceeding" for the purposes of Chapter 37, Texas Penal Code. A person who internationally submits a false affidavit may be subject to the felony charge of aggravated perjury under that Chapter.

SECTION 5

PROCEDURE WHEN ANIMAL IS BITTEN OR EXPOSED TO A RABID ANIMAL

Section 5.1 – Procedures.

- a) Coryell County will follow practices as defined by the Texas Administrative Code, Title 25, Part 1, Chapter 169, Subchapter A, Rule 169.30, Disposition of Domestic Animals Exposed to Rabies.

SECTION 6

DOGS RUNNING IN A PACK

Section 6.1 – Procedures.

- a) Any pack of dogs in the County, which in the opinion of the Animal Control Officer or their designee poses a threat of harm to persons, property, or to other animals, may be impounded or destroyed. The Animal control Officer or his designee may use whatever reasonable force is necessary to impound dogs running in a pack. Disposition of a dog impounded under this section shall be controlled by Section 4 of these regulations.

SECTION 7

STRAY ANIMALS

Section 7.1 – Procedures / Penalties

- a) All stray dogs and cats are declared a public nuisance and as such may be detained or impounded by the Animal Control Officer or their designee in a facility approved by the Commissioners' Court.
- b) Each stray animal so impounded will be held for a minimum of five (5) days. Disposition of an animal impounded under this section shall be controlled by Section 4 of these regulations.
- c) Nothing in this ordinance shall require that the Animal Control Officer, the Coryell County Law Enforcement personnel, or a Humane Society pick up strays unless adequate funding for personnel, equipment and impoundment is provided by the Commissioners' Court.
- d) Any owner who intentionally, knowingly, recklessly or with criminal negligence allows a dog to become a stray shall be guilty of a Class C misdemeanor.

SECTION 8

INTERFERENCE WITH ENFORCEMENT PROHIBITED

Section 8.1 – Interference Prohibited

- a) A person who interferes with, hinders, or molests the Animal Control Officer or their designee in the performance of their duties under these regulations commits an offense. An offense under this section is a Class C misdemeanor. Interference with Public Duties may also be a Class B misdemeanor pursuant to Texas Penal Code §38.15, under certain circumstances.

SECTION 9

RABIES VACCINATION

Section 9.1 – Vaccination

- a) No person shall own, keep, or harbor within the County any dog or cat over the age of four (4) months unless such dog or cat has a current rabies vaccination. The dog or cat shall be revaccinated before the expiration of the first and each subsequent current vaccination period as provided by State law.
- b) Every person that moves into Coryell County who owns, keeps or harbors a dog or cat over the age of four (4) months shall have thirty (30) days to comply with these regulations.
- c) Vaccination shall not be required for any dog or cat when both of the following documents are filed with the Health Authority or Animal control Officer:
 - 1) A certificate from a veterinarian that such dog or cat should not be inoculated with rabies vaccine and the valid medical reasons therefore; and
 - 2) An affidavit from the owner that such dog or cat is kept so that it cannot come into contact with other animals or constitute a threat to public health and the method of such keeping.
- d) Any owner who fails to perform the requirements of this section shall be guilty of a Class C misdemeanor.

SECTION 10

VACCINATION TAG

Section 10.1 – Tags

- a) Upon vaccination and licensing there shall be delivered to the owner of the dog a metallic tag stamped with the vaccination certificate number and the year in which issued.
- b) It is an offense for the owner for failure to have the dog wear the vaccination tag at all times when said animal is present in a public place. It shall be an offense for any person to remove said tag from the collar or harness without owner's consent. An offense under this section is a Class C misdemeanor.
- c) Dogs competing at or in training for approved dog club shows, or dogs participating with their owners or handlers in group obedience training classes, shall not be required to wear the collar, harness or leash during such training or class periods.

SECTION 11

SELF PROTECTION DURING ENFORCEMENT OF REGULATIONS

Section 11.1 – Self Protection

- a) Nothing in these regulations shall be construed so as to limit the right of Coryell County or its designee to protect themselves from personal injury in the enforcement of these regulations, or to restrain the rights of others to use lawful and reasonable force for the protection of persons or property.

SECTION 12

PENALTY

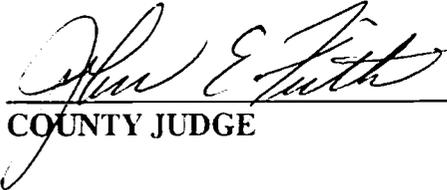
Section 12.1 – Penalty

- a) Whenever in this regulation an act is prohibited or is made or declared to be unlawful, or whenever in this regulation the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provisions of this regulation shall be punished of not less than the minimum and not more than the maximum allowed by law. Each violation and everyday a violation occurs shall be constituted a separate offense.

This Order is hereby passed and approved, and shall become effective this 13th day of DECEMBER, 2010.

CORYELL COUNTY COMMISSIONERS'
COURT

ATTEST:



COUNTY JUDGE



COUNTY CLERK

