

COMMISSIONERS' COURT OF ELLIS COUNTY
ORDER NO. _____

AN AMENDED ORDINANCE PERTAINING TO ANIMAL CONTROL

On this the 10th day of September, 2007, the Commissioners' Court of Ellis County, Texas, convened in a regular session of said court, at 101 West Main Street (2nd Floor), Waxahachie, Texas, with the following members present, to wit:

County Judge:

Judge Chad Adams

Commissioners:

Dennis Robinson, Commissioner, Pct. 1

Bill Dodson, Commissioner, Pct. 2

Heath Sims, Commissioner, Pct. 3

Ron Brown, Commissioner, Pct. 4

During such session, the Court considered the ratification of an Amended Order Pertaining to Animal Control, which was originally approved on January 8, 1996 by Ellis County Commissioners' Court Minute Order 96-002, and now amended and superseded as follows:

WHEREAS, the Commissioners' Court of Ellis County, Texas, is authorized by Chapter 821 of the Texas Health and Safety Code to prohibit the cruel and inhumane treatment of animals in Ellis County, Texas;

WHEREAS, the Commissioners' Court of Ellis County, Texas, is authorized by Chapter 822 of the Texas Health and Safety Code to prohibit vicious animals in Ellis County, Texas;

WHEREAS, the Commissioners' Court of Ellis County, Texas, is authorized by Chapter 823 of the Texas Health and Safety Code to establish and maintain an animal shelter for the humane treatment of animals in Ellis County, Texas;

WHEREAS, the Commissioners' Court of Ellis County, Texas, is authorized by Chapter 826 of the Texas Health and Safety Code to establish minimum standards for the control of rabies, including the requirement of vaccination of animals against the disease, in Ellis County, Texas;

WHEREAS, the Commissioners' Court of Ellis County, Texas, in order to preserve and protect health and safety, may adopt rules pursuant to Chapters 821, 822, 823 and 826 of the Texas Health and Safety Code; and,

WHEREAS, it is the intent of the Commissioners' Court that this Amended Ordinance will amend and supersede such Minute Order 96-002.

THEREFORE, pursuant to the authority granted by Chapters 821, 822, 823 and 826 of the Texas Health and Safety Code, BE IT ENACTED BY THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS:

SECTION 1: DEFINITIONS

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

- 1.1 OWNER: Any person, firm or corporation who has right or property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of 10 days.
- 1.2 HARBORING: The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of ten days.
- 1.3 DOMESTIC ANIMAL: All species of animals commonly and universally accepted as being domesticated.
- 1.4 WILD ANIMAL: All species of animals which commonly exist in a natural unconfined state and are not domesticated. This shall apply regardless of state or duration of captivity.
- 1.5 PET ANIMAL: All species of animal which are sold or retained as household pets, but which shall not include any animal defined in the Amended Order Prohibiting the Keeping of Dangerous Wild Animals in the Unincorporated Areas of Ellis County, Texas.
- 1.6 VICIOUS ANIMAL: Any individual animal that has on one or more previous occasion(s) without provocation attacked or bitten any person or other animal, or any individual animal which the County Rabies Health Authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals. The definition of vicious animal shall also include all species of dogs and coyotes known to be dangerous to humans, domestic animals, livestock or fowl, and any species of animal which the Ellis County Rabies Health Authority has reason to believe has a dangerous disposition likely to be harmful to humans or animals.
- 1.7 VACCINATED: All species of animals which have been property injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a licensed veterinarian.
- 1.8 CURRENTLY VACCINATED: All species of animals vaccinated and satisfying the following criteria:
 - (a) The animal must have been at least three months old at the time of the vaccination;
 - (b) At least thirty (30) days have elapsed since the initial vaccination; and,
 - (c) Not more than twelve (12) months have elapsed since the most recent vaccination.

1.9 COUNTY RAIBES CONTROL AUTHORITY: A person designated by Ellis County to receive reports of animal bite bites, investigate bite report, insure quarantine of possible rabid animals, issue citations for failure to restrain, investigate complaints as to animal nuisances and otherwise carry out provisions of Texas law and local regulations pertaining to control and eradication of rabies and control or restraint of animals.

SECTION 2: RABIES CONTROL

2.1 VACCINATIONS: The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four (4) months of age and within each subsequent twelve (12) month interval thereafter. All dogs or cats vaccinated at three (3) months of age or older shall be re-vaccinated at one (1) year of age and annually thereafter. Any person moving into Ellis County from a location outside Ellis County shall comply with this ordinance within ten (10) days after having moved into Ellis County. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation period.

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

- (a) The name, address and telephone number of the owner of the vaccinated dog or cat;
- (b) The date of the vaccination;
- (c) The type of rabies vaccine used, expiration date and lot or serial number of the vaccine used;
- (d) The year and number of the rabies tag;
- (e) The breed, age, color and sex of the vaccinated dog or cat; and,
- (f) The name and address of the vaccinating veterinarian.

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

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

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

2.6 HARBORING UNVACCINATED ANIMALS: It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies as of the age of three (3) months, as provided herein, or which cannot be identified as having a current vaccination certificate.

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

- (a) Animals having a current vaccination must be re-vaccinated immediately and confined according to the method prescribed by the Ellis County Rabies Control Authority for a period of not less than ninety (90) days; and,
- (b) Animals not having a current vaccination shall be humanely destroyed. However, the owner of such animal may elect to confine said animal at the owner's expense and in a manner prescribed by the Ellis County Rabies Control Authority. Said animal must be vaccinated immediately following exposure and quarantined for not less than ninety (90) days. A re-vaccination shall be done one (1) month prior to release from quarantine.

SECTION 3: REPORTING HUMAN BITES FROM ANIMALS SUSCEPTIBLE TO RABIES; RELATED PROCEDURES

- 3.1 Any person having knowledge of an animal bite to a human shall report the incident to the Ellis County Rabies Control Authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- 3.2 The owner of a biting animal shall place said animal in quarantine as prescribed in Section 4 under the supervision of the Ellis County Rabies Control Authority.
- 3.3 The Ellis County Rabies Control Authority will investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of Health.
- 3.4 Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section.

SECTION 4: QUARANTINE PROCEDURES FOR ANIMALS

- 4.1 At the time a dog or cat, which has bitten a human, has been identified, the owner of said animal shall be required to produce the animal for ten (10) days confinement subject to the control of the Ellis County Rabies Control Authority at the owner's expense. Refusal to produce said dog or cat constitutes a separate and individual violation. The ten (10) day observation period will begin on the day of the bite incident. The animal must be

placed in the animal control facilities or a veterinary hospital approved for that purpose by the Ellis County Rabies Control Authority and the Texas Department of Health. However, the owner of said animal may request permission from the Ellis County Rabies Control Authority for home quarantine if the following criteria can be met:

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

Any owner who elects to quarantine an animal at home and then fails to keep the animal confined for the requisite ten (10) days shall be in violation of this ordinance.

- 4.2 No wild animal as defined within the Amended Order Prohibiting the Keeping of Dangerous Wild Animals in the Unincorporated Areas of Ellis County, Texas will be placed in quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis.

SECTION 5: NUISANCE

- 5.1 **NUISANCE:** It shall be unlawful for any person to harbor any dog or other pet animal which by any long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of others. Such disturbance is hereby declared to be a public nuisance and a violation of this order.
- 5.2 **ABANDONING:** It shall be unlawful for any person to willfully abandon an animal, or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly.
- 5.3 **GUARD DOGS:** It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property, unless the dog is physically confined to a specific area or under complete and absolute control. The

area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.

SECTION 6: VICIOUS ANIMALS

- 6.1 Any unrestrained vicious animal found outside the direct supervision of an owner or person having care, control or custody of the vicious animal within the limits of the owner's or custodian's property may be destroyed by any peace officer in the interest of public safety.
- 6.2 A peace officer may order any owner or person having care, control or custody of any vicious animal to remove such animal permanently from Ellis County. Said vicious animal must be removed immediately following the receipt of an order pursuant to this subsection, even if an appeal is initiated. An order under this subsection may be appealed by the owner or person having care, control or custody of the vicious animal in writing within ten (10) days to a committee consisting of the Ellis County Sheriff or his or her appointed representative, the Ellis County Judge or his or her appointed representative, and the Ellis County Attorney or his or her appointed representative. Said committee may uphold, reverse or modify the peace officer's order, or may stipulate restrictions pertaining to the vicious animal as a condition to allowing the vicious animal to remain in Ellis County. If the committee upholds the peace officer's order, the owner or person having care, control or custody of the vicious animal may not return the vicious animal to any location within Ellis County.
- 6.3 If the owner or person having care, control or custody of a vicious animal, subject to a banishment order made pursuant to this Section, fails to remove said vicious animal from Ellis County, said vicious animal may be impounded and/or destroyed.
- 6.4 The owner or person having care, control or custody of a vicious animal, subject to a banishment order made pursuant to this Section, must report the disposition and relocation of said vicious animal to the Ellis County Sheriff. This report must be made in writing within ten (10) days after the expiration date for the removal of said vicious animal from Ellis County. Each day said information is not provided shall constitute a separate offense.
- 6.5 The Ellis County Sheriff or a deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that a vicious animal, subject to a banishment order made pursuant to this Section, has not been removed from Ellis County in compliance with said order.

SECTION 7: IMPOUNDED ANIMALS

- 7.1 **IMPOUNDMENT:** Animals owned or harbored in violation of this order or any other ordinance or law may be taken into custody by the Ellis County Sheriff or other authorized official and impounded.
- 7.2 **ANIMAL SHELTER:** A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this ordinance. Said shelter shall be constructed in accordance with recommendations of the Texas Department of Health. In lieu of constructing a shelter, Ellis County may contract with any licensed veterinarian or other licensed facility within Ellis County that has been approved by the Texas Department of Health.
- 7.3 **RIGHT TO ENTER:** The Ellis County Rabies Control Authority is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing an impounding any dog found thereon in violation of this ordinance.
- 7.4 **REGISTRY OF ANIMAL:** Immediately upon impounding any animal the Ellis County Rabies Control Authority shall make a complete registry of the animal, entering the breed, color and sex of said animal and the place and time said animal was taken into custody.
- 7.5 **REMOVAL OF ANIMALS FROM ANIMAL SHELTER:** It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Ellis County Rabies Control Authority or other impounding official or agency. The impounding official or animal shelter shall not release any animal to any person without proof of vaccination.
- 7.6 **REMOVAL OF BITING DOGS FROM CONFINEMENT:** The impoundment of dogs that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the proper officer or agency is secured.
- 7.7 **DISPOSITION OF IMPOUNDED ANIMALS:** As soon as practicable after impoundment, immediate notice shall be given to the owner if the identity of the owner is known. An impounded animal, which is eligible for release, may be redeemed upon payment of appropriate fees and charges for impoundment, care, feeding, veterinary care, rabies vaccinations and all other costs authorized by the Ellis County Commissioners' Court. If an animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of appropriate fees and charges for licensing, impoundment, care, feeding, veterinary care, rabies vaccinations and all other costs authorized by the Ellis County Commissioners' Court. Alternatively, the impoundment officer may humanely euthanize said animal under the supervision of a licensed veterinarian.

7.8 DISPOSITION OF IMPOUNDED ANIMAL BEING HELD ON COMPLAINT: If a complaint has been filed in a court of appropriate jurisdiction against the owner of an impounded animal for a violation of this ordinance, the animal owned by said owner shall not be released except on order of the court in which the complaint is filed. Said court may also direct the owner to pay penalties for violation of this ordinance, in addition to all fees and charges for impoundment, care, feeding, veterinary care, rabies vaccinations and all other costs authorized by the Ellis County Commissioners' Court. Said court may, upon making a finding that an animal is vicious or that an animal represents a clear and present danger or nuisance to people or animals, order said animal to be humanely destroyed. Surrender of an animal by the owner thereof to a peace officer does not relieve or render the owner immune from the decision of said court, nor the fees and fines which may result from a violation(s) of this ordinance.

7.9 DISPOSITION OF DISEASED ANIMALS: An animal taken into custody by an animal control officer that is visibly affected with any sign of communicable disease other than rabies which are being held at the impounding facility, may instead of being impounded, be humanely destroyed provided:

- (a) An animal which has inflicted any human or animal bite during the preceding ten (10) days have its head removed by an animal control officer and submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis.
- (b) An animal exhibiting symptoms of rabies must be handled in a manner prescribed by the Ellis County Rabies Control Authority.

SECTION 8: SAFETY PROVISIONS

8.1 INTERFERENCE WITH ELLIS COUNTY RAIBES CONTROL AUTHORITY: It shall be unlawful for any person to interfere with, hinder or prevent the Ellis County Rabies Control Authority or any authorized representative in the discharge of their authorized duties as herein described, or to violate any provision of this ordinance.

8.2 PENALTY FOR VIOLATION: A person who violates any provision of this ordinance shall be guilty of a Class C Misdemeanor.

8.3 SEVERENCE CLAUSE: In any Section, Subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, the validity of all remaining portions of this ordinance shall not be affected. This ordinance is adopted pursuant to the provisions of Chapters 821, 822, 823, and 826 of the Texas Health and Safety Code, and all replacement or amended statutes thereof.

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

8.5 REPEALER: This order amends and entirely supercedes the previous Ellis County Commissioners' Court Minute Order 96-002 which pertained to animal control.

8.6 MUNICIPAL ORDINANCES TO SUPERCEDE: The promulgation and establishment of this ordinance by the Ellis County Commissioners' Court shall not prevent or jeopardize a corporate municipality within Ellis County from establishing rules and regulations to prevent the introduction and spread of rabies and the control of animals within their corporate limits. Said ordinances established by corporate municipalities shall supercede this ordinance within the municipality so that dual enforcement will not occur.

SECTION 9: CREATION, SUPERVISION, AND DUTIES OF ANIMAL CONTROL DIVISIONS

9.1 ANIMAL CONTROL DIVISION: The Ellis County Commissioners' Court shall contract with a suitable enforcing agency to implement this ordinance. Said enforcing agency shall submit to the Ellis County Commissioners' Court the following for consideration and approval:

- (a) Rules and procedures necessary for the enforcement of this ordinance;
- (b) A schedule of fees for licenses and impoundment under Section 4 and Section 7; and,
- (c) A schedule of minimum fines for violations of any provision of this ordinance.

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

SECTION 10: FUNDING – DISPOSITION OF MONIES COLLECTED

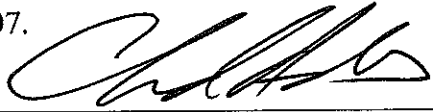
10.1 FUNDING: Funds shall be set aside by the Ellis County Commissioners' Court for the purpose of salaries, equipment, and supplies necessary to the implementation of this order. By the budget deadline each year, the enforcing agency shall submit a proposed budget for the purpose of maintaining an animal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

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

SECTION 11: EFFECTIVE DATE

11.1 This Amended Ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED IN OPEN COURT on this the 10th day of September 2007.



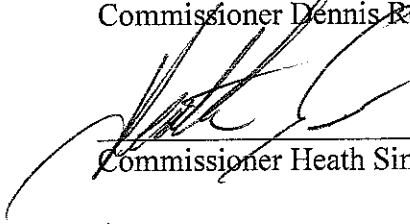
Chad Adams, County Judge



Commissioner Dennis Robinson, Precinct 1



Commissioner Bill Dodson, Precinct 2



Commissioner Heath Sims, Precinct 3



Commissioner Ron Brown, Precinct 4

Attest:

Cindy Polley, County Clerk