

MINUTES OF COMMISSIONERS COURT RECORDS
VOL. 10 Page 23

THE STATE OF TEXAS § AN ORDER AMENDING MATAGORDA COUNTY
 §
COUNTY OF MATAGORDA § RABIES CONTROL ACT

ON THIS the 29th day of September, 1986, the Commissioners' Court of Matagorda County, Texas, met in Special Session, with all of the members present and among other proceedings, the following amendments to the Matagorda County Rabies Control Act were passed by unanimous vote of said Court, to-wit:

The Matagorda County Rabies Control Act was adopted by the Commissioners' Court of Matagorda County, Texas, on January 23, 1984, and the same is recorded in Volume 7, Pages 230-237 of the Minutes of Commissioners' Court Records of Matagorda County, Texas. In that regard said Act is amended in the following particulars:

1. Paragraph Two of Page 1, Line 6 and 7, the words "and V.T.C.S., Art. 2372m" are deleted;
2. Section 1., Paragraph 1.9 of Page 1 is deleted and in substitution thereof is the following paragraph:

1.9 STRAY ANIMAL: Any animal running free with no physical restraint beyond the premises of owner or keeper.

3. Section 5., Paragraph 5.1 of Page 4 is deleted and in substitution thereof is the following paragraph:

5.1 RESTRAINT: No owner of any animal shall permit such animal to run at large.

4. Section 5., of Page 4 is amended to include the following paragraph.

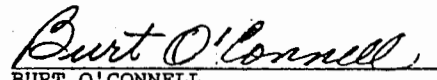
5.2a Stray dogs and cats shall be declared a public nuisance.

5. Section 8., Paragraph 8.2 of Page 6 is deleted and in substitution thereof is the following paragraph:

8.2 PENALTY FOR VIOLATION: The County Health Officer, the County Animal Control Officer, or their authorized representative shall have the right to enforce any provision of this order by issuing written warnings and citations for violations of the law. Any person who violates any of the provisions of this order shall be guilty of a Class C Misdemeanor, and may be punished by a fine not to exceed \$200.00.

In addition to the foregoing deletions and amendments, all other Matagorda County Commissioners' Court regulations and orders concerning rabies control are hereby repealed.

PASSED IN OPEN COURT, this the 29th day of September, A.D. 1986.


BURT O'CONNELL
County Judge, Matagorda County,
Texas

ON THIS, the 23rd day of JANUARY, the Commissioners' Court of Matagorda County, Texas, being in regular session at a regular term of said Court, the following members thereof being present, namely:

COUNTY JUDGE BURT O'CONNELL, COMMISSIONER OTHA BIERNER
COMMISSIONER J. D. SUTHERLAND, COMMISSIONER G. L. HARRISON
AND COMMISSIONER A. W. HURTA AND COUNTY CLERK
SARAH VAUGHN,

the following proceedings, among others, were had, to-wit:

WHEREAS, it is the desire of this Court to provide the following regulations for reporting of human exposure to rabies, quarantining of biting animals, restraint of vicious animals, vaccination requirement and importation of certain animals that have a high probability of carrying rabies into the county; and describing penalties for violation of such provisions in accordance with and pursuant to V.T.C.S., Art. 4477-6a and V.T.C.S., Art. 2372m, be adopted by the Commissioners' Court of Matagorda County, Texas in the form of an Order of the Commissioners' Court;

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF MATAGORDA COUNTY, TEXAS, THAT:

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 10 days.
- 1.3. DOMESTIC ANIMAL: Shall include all species of animals commonly and universally accepted as being domesticated.
- 1.4. WILD ANIMAL: Shall include all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.
- 1.5. PET ANIMAL: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, nonhuman primates and any other species of wild exotic or carnivorous animal that may be further restricted in this law.
- 1.6. DOG: Shall mean any live or dead dog (canis familiaris).
- 1.7. CAT: Shall mean any live or dead cat (felis catus).
- 1.8. VICIOUS ANIMAL: Shall mean any individual animal or any species that has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the local health authority has reason to believe has a dangerous disposition, or any species of animal which the local health authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.
- 1.9. STRAY ANIMAL: Any animal for which there is no identifiable owner or harborer.
- 1.10. RUNNING AT LARGE: Shall mean not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed "running at large".

1.11. VACCINATED: Means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.

1.12. CURRENTLY VACCINATED: Means vaccinated and satisfying the following criteria:

- (a.) The animal must have been at least three months of age at the time of vaccination.
- (b.) At least 30 days have elapsed since the initial vaccination.
- (c.) Not more than 12 months have elapsed since the most recent vaccination.

1.13. LOCAL HEALTH AUTHORITY: A person designated by the County to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas law pertaining to control and eradication of rabies.

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 months of age and within each subsequent twelve (12) month interval thereafter. All dogs or cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter. Any person moving into the County from a location outside of the County shall comply with this ordinance within ten (10) days after having moved into the 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 the veterinarian, and no rabies vaccine shall be administered until after the 10-day observation period.

2.2. CERTIFICATE OF VACCINATION: Upon vaccination, the 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 vaccination;
- (c.) The type of rabies vaccine used;
- (d.) The year and number of rabies tag; and
- (e.) The breed, age, color and sex of the vaccinated dog or cat.

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 address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his 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 his copy of the certificate of vaccination upon demand to 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 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 revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than 90 days.
- (b.) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than 6 months. A revaccination shall be done one 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 will report the incident to local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

3.2. The owner of the biting animal will place that animal in quarantine as prescribed in Section 4 under the supervision of the local health authority.

3.3. The local health authority will investigate each bite incident, utilizing standardized reporting forms provided by TDH.

3.4. Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this action.

Section 4. Quarantine Procedures for Animals.

4.1. When a dog or cat which has bitten a human has been identified, the owner will be required to produce the animal for ten days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The 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 local health authority. However, the owner of the animal may request permission from the local health 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 local health authority.
- (b.) The animal is currently vaccinated against rabies.
- (c.) The local health 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 local health authority must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.

- (d.) The animal was not in violation of any laws at the time of the bite.
- (e.) If the biting animal cannot be maintained in secure quarantine it shall be humanely destroyed and the brain submitted to a TDH certified laboratory for rabies diagnosis;

4.2. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboratory for rabies diagnosis.

Section 5. Running at Large.

5.1. RESTRAINING: Whenever the county health officer shall determine that it is in the interest of the safety of the public to do so, he shall issue a proclamation declaring an emergency and prohibiting dogs to run at large for a period of ninety (90) days. And such proclamation shall be published in the newspapers of this county for one publication. During the period of ninety (90) days subsequent to any such publication, it shall be unlawful for any owner of any dog to allow said dog to run at large. If at the end of ninety (90) days, at the discretion of the county health officer the situation still exists said proclamation may be reinstated by the county health officer for an additional ninety (90) days adindefinitum in the above described manner until it is determined by the county health officer that such an emergency no longer exists.

5.2. NUISANCE: It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which by any long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood, such disturbance is hereby declared to be a public nuisance and a violation of this order.

5.3. ABANDONING ANIMALS: It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal; or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly.

5.4. 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 is 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 vicious animal found running-at-large 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 take such animal permanently from the county. This animal must be removed immediately following receipt of such an order even if an appeal is initiated. This order may be appealed in writing within ten (10) days to a committee made up of the county sheriff or his representative, the county judge or his representative, and the county attorney or his representative. Such committee may uphold, reverse or modify the peace officer's order, or may stipulate restrictions on the animal as a condition to allowing the animal to remain in the county. If the committee upholds the animal control's order the owner or person having care, control, or custody shall not bring the animal back inside the county.

6.3. If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in Subsections 6.1 and 6.2 of this section, such animal may be impounded and/or destroyed.

6.4. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the county sheriff in writing, within ten (10) days after the expiration date for removal of such animal from the county. Each day thereafter such information is not provided shall constitute a separate offense.

6.5. The county sheriff or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the county for being vicious has not been so removed.

Section 7. Impounded Animals.

7.1. IMPOUNDMENT: Animals owned or harbored in violation of this order or any other ordinance or law of the State of Texas shall be taken into custody by the county sheriff or other designated official and impounded. Stray animals shall be similarly 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 order. Such shelter shall be constructed in accordance with recommendations from the Texas Department of Health. In lieu of constructing a shelter, the County may contract with any licensed veterinarian to provide this service at a fee mutually agreed upon and having a suitable facility within the County that has been approved by the Texas Department of Health.

7.3. 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 local health authority or other impounding official or agency.

7.4. REMOVAL OF BITING DOGS AND CATS FROM CONFINEMENT: The impoundment of dogs and cats 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.

7.5. DISPOSITION OF IMPOUNDED ANIMALS: As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as may be necessary. If such animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the licensed fee, impoundment fee, care and feeding charges, veterinary charges, and such other costs as necessary, or the impoundment officer may humanely euthanize said animal.

- (a.) The owner of any licensed impounded animal may redeem such dog or cat at any time prior to the sale or destruction by the payment of \$25.00 impounding fee and \$5.00 per day for each day or portion of day such dog or cat shall have been impounded.
- (b.) The owner of any unlicensed impounded animal may redeem such animal any time prior to disposition or destruction by having such animal duly vaccinated against rabies and the payment of the \$25.00 impounding fee and the \$5.00 per day board fee for each day such animal have been impounded, plus the cost of license and vaccination.
- (c.) It shall be the duty of the County Health Officer to keep all unclaimed dogs and cats for a period of three (3) days. If, at the expiration of said period of time, such dog or cat has not been redeemed by the owner it shall be destroyed or disposed of as herein provided.

- (d.) The County Health Officer shall be authorized to sell any and all animals impounded under the terms of this Article and not redeemed within three (3) days, and to sell them for the amount of accumulated impounding fee as set out in paragraph (a.) above, plus the cost of the license and vaccination, provided that the person entitled to possession of any animal sold pursuant to this section shall be entitled to redeem said animal upon paying the purchasers double the amount paid for by him for the animal and his reasonable expenses for buying same. Any dog or cat not so redeemed within thirty (30) days from the date of sale shall become the absolute property of the purchaser.
- (e.) It shall be the duty of the County Health Officer to cause all animals impounded under these regulations and not redeemed or sold as provided herein, to be destroyed in the most practical humane manner to be determined by the County Health Officer or sold to a recognized research or teaching institution.
- (f.) No person shall interfere with, hinder or molest any Animal Control Officer or other party designated by the County Health Officer for said purpose, in the performance of any duty delegated hereunder, or seek to release any animal taken and held in custody under the provisions of this order except as herein provided.

7.6. DISPOSITION OF IMPOUNDED ANIMAL HELD ON COMPLAINT: If a complaint has been filed in a Justice court of the County of Matagorda against the owner of an impounded animal for violation of this order, the animal shall not be released except on the order of the court which may also direct the owner to pay any penalties for violation of this order in addition to all impoundment fees. The court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the peace officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation or violations of this order.

7.7. DISPOSITION OF DISEASED ANIMALS: Any animal taken into custody by the animal control officer except those animals which have inflicted human bites during the preceding ten days and that are 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.) That any animal which has inflicted any human or animal bite during the preceding 10 days have its head removed by the animal control officer and submitted to the laboratory for rabies examination.
- (b.) Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the local health authority.

Section 8. Safety Provisions.

8.1. INTERFERENCE WITH THE LOCAL HEALTH AUTHORITY OR HIS AUTHORIZED REPRESENTATIVES. It shall be unlawful for any person to interfere with, molest, hinder, or prevent the local health authority or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this order.

8.2. PENALTY FOR VIOLATION: Any person who violates any of the provisions of this order shall be guilty of a Class C misdemeanor.

8.3. SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase of this order is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this order.

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

8.5. REPEALER: All other orders and parts of the orders in conflict herewith are hereby repealed.

8.6. MUNICIPAL ORDINANCES TO SUPERSEDE: The promulgation and establishment of these regulations by the Matagorda County Commissioners Court shall not prevent or jeopardize a corporate municipality within the county from establishing any rules and regulations to prevent the introduction and spread of rabies and the control of animals within their corporate limits, and such ordinances established by said corporate municipalities shall supersede the county order within the municipality so that dual enforcement will not occur.

8.7. EFFECTIVE DATE: This act shall take and be in effect on and after January 23, 1984.

Section 9. Creation, Supervision and Duties of Animal Control Divisions.

9.1. ANIMAL CONTROL DIVISION: The Commissioners' Court shall contract with a suitable enforcing agency to implement this order. Upon such contract being made the enforcing agency shall submit to the Commissioners' for consideration and approval of the following:

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

All such items which are approved by the Commissioners' Court shall be reviewed for reenactment or change at least once a year or at such other times as the Commissioners' Court might direct.

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 order and have those records available for display to the Commissioners' Court.

Section 10. Funding - Disposition of Monies Collected

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

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

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That a certified copy of this order be delivered to the County Treasurer and County Auditor of Matagorda County, Texas, for their information and observance.

The above and foregoing instrument passed by the unanimous vote of the Commissioners' Court of Matagorda County, Texas, this the _____ and hereinafter has the effect of the law.

Burt O'Connell
County Judge

Oliver Barker
Commissioner, Precinct 1

G. L. Harrison
Commissioner, Precinct 3

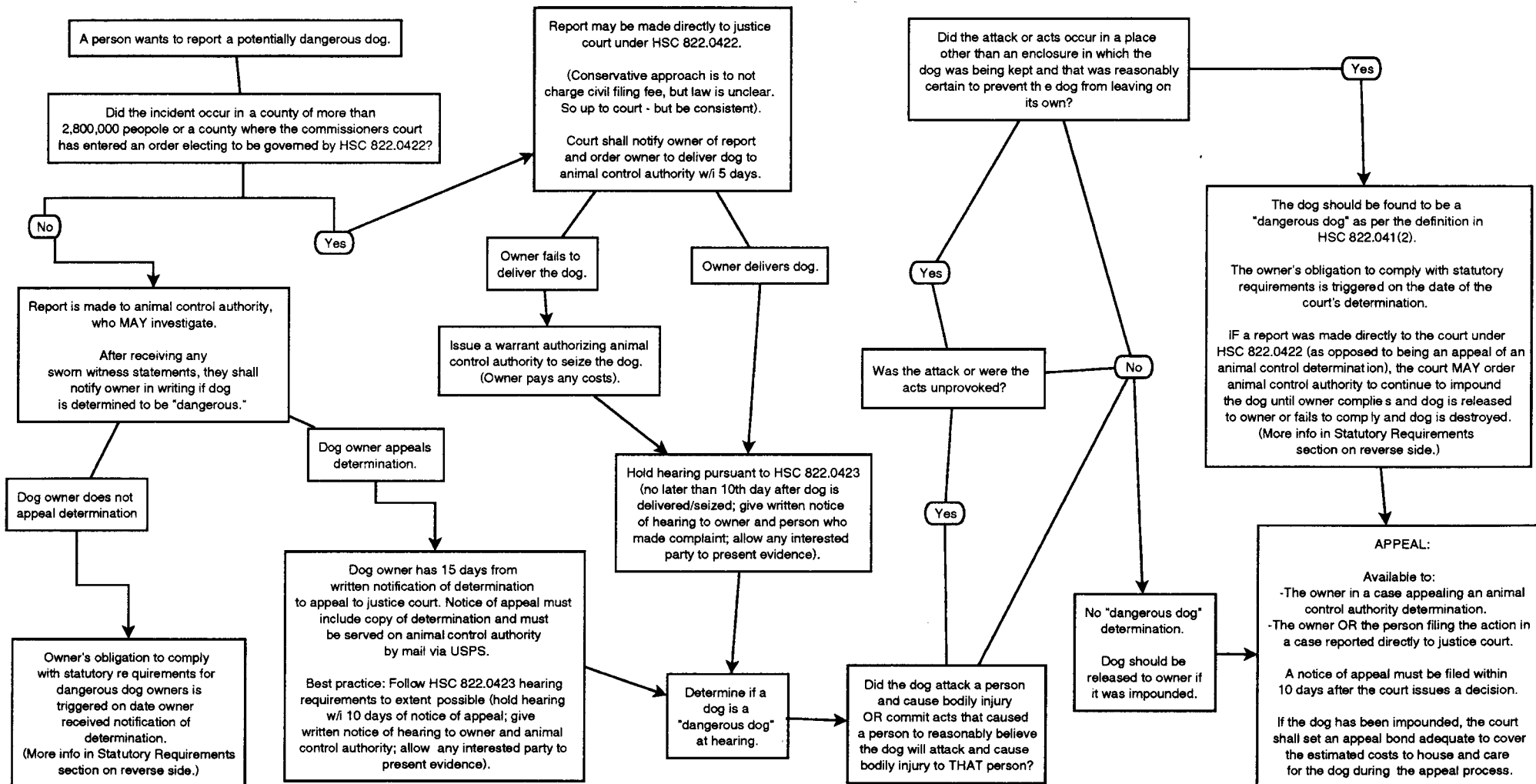
J. R. Burkhead
Commissioner, Precinct 2

A. W. Suter
Commissioner, Precinct 4

Dangerous Dogs Administrative Hearings (Apply Texas Rules of Civil Procedure to the Extent Possible)

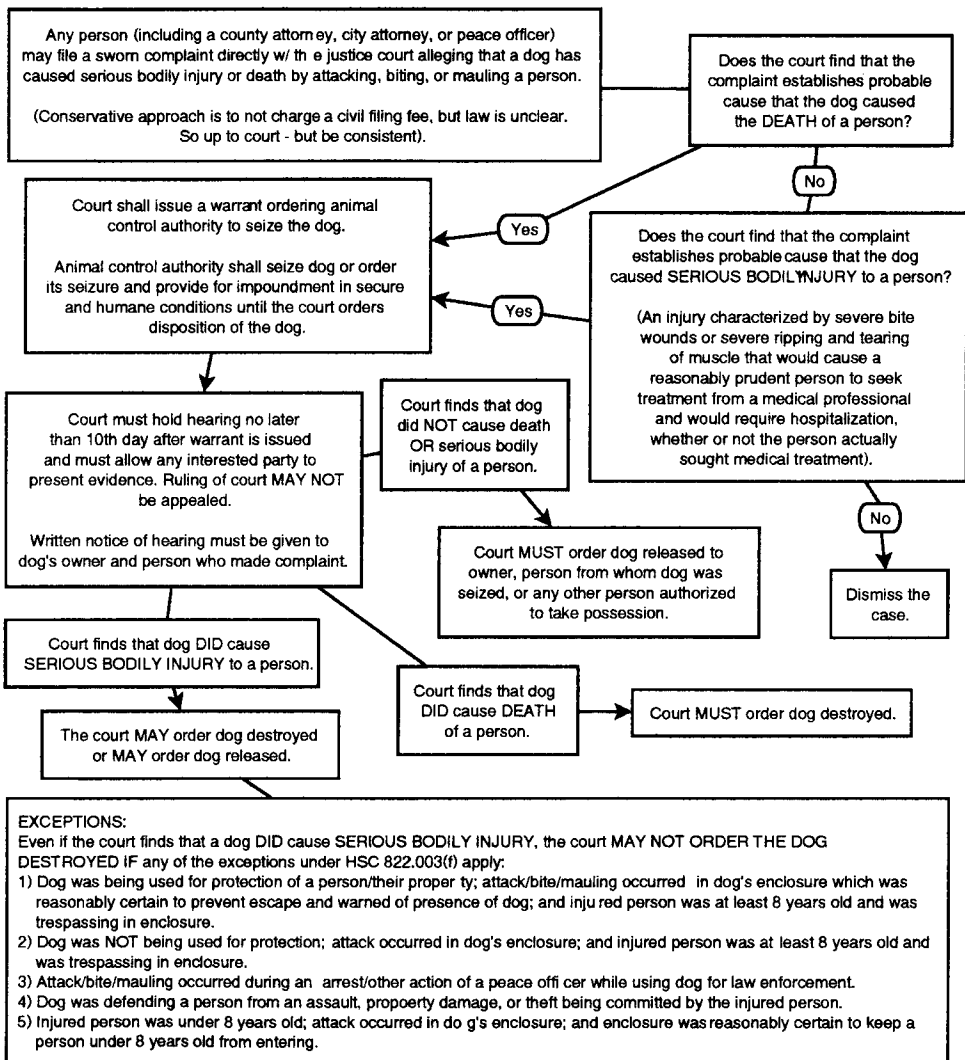
Procedure When a Complaint is Filed About a Potentially Dangerous Dog or a Determination by an Animal Control Authority is Appealed

Health and Safety Code: Sections 822.041, .0421, .0422, .0423, .0424



Dangerous Dogs Administrative Hearings (Apply Texas Rules of Civil Procedure to the Extent Possible)

Procedure When a Dog Causes Death or Serious Bodily Injury
Health and Safety Code: Sections 822.001, .002, .003



Statutory Requirements for Owners / Procedure If Requirements Not Followed
Health and Safety Code: Sections 822.042, .0423, .0424

