

ECTOR COUNTY'S REGULATIONS RELATING TO THE KEEPING OF  
WILD ANIMALS IN THE UNINCORPORATED  
AREA OF ECTOR COUNTY, TEXAS

SECTION 1                    AUTHORITY & PURPOSE

A.     These regulations are promulgated pursuant to and in conformity with the following statutory authority: Chapter 240 of the Texas Local Government Code, specifically §240.002 and Chapter 822, Texas Health & Safety Code, specifically Subchapter E, §822.101 *et seq.*

B.     It is the purpose of the Commissioners Court of Ector County to exercise its authority to impose reasonable and uniform regulations for the keeping of wild animals in Ector County, Texas. These regulations are adopted to protect the health, safety and general welfare of people in Ector County and also to protect the health, safety and general welfare of animals kept in Ector County by preventing the spread of zoonotic diseases and by reducing the risk of injury to people from animals kept in Ector County, Texas.

C.     These regulations do not limit nor expand any other legal remedy available to any person, or to the County, under the laws of Texas and the United States for any injury or claim related to the keeping of an animal, nor do these regulations serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.

D.     The City of Odessa Police Department through its Animal Control Division ("Animal Control") is authorized to enforce these regulations and is authorized to issue citations in the unincorporated area of Ector County, Texas to enforce these regulations pursuant to §121.003 (e) and Chapter 822 of the Texas Health & Safety Code.

E.     These rules apply to all portions of unincorporated Ector County. These rules apply to incorporated cities or towns that adopt these regulations and execute cooperative agreements with Ector County for their enforcement.

F.     These regulations do not apply to those entities exempt from the provisions of Chapter 822 of the Texas Health & Safety Code as specifically enumerated in §822.102.

SECTION 2                    CONSTRUCTION

A.     The Code Construction Act of Texas applies for the purpose of construing these regulations unless an alternative instruction, definition or application is contained in these regulations.

B.     The word "shall" is mandatory and not directory as used in these regulations.

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C. The word "regulation" includes "rule" "ordinance" or "order" and all have the same meaning as applied to these regulations.

D. These regulations must be liberally construed to give affect to their purpose and intent.

SECTION 3                    DEFINITIONS

A. The following terms, whether or not capitalized, shall be defined as follows for the purposes of these regulations:

Animal: Non-human, warm-blooded and cold-blooded living creatures.

Animal Control: The Animal Control Division of the City of Odessa Police Department its employees and agents.

Board: Texas Board of Health.

Certificate of Registration: A Certificate of Registration issued pursuant to Section 6 of these regulations.

Child Care Facility: A facility used as a day nursery, children's boarding home, child placement agency or other place for the care or custody of children under fifteen (15) years of age, licensed by the State of Texas pursuant to Chapter 42 of the Texas Human Resources Code.

Commissioners Court: The Commissioners Court of Ector County, Texas.

County: Ector County, Texas.

Custodian: A person or agency, whether or not an owner, which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal. The owner of an animal shall be deemed to be a custodian of the animal.

Dangerous Wild Animal: This term has the same meaning as "dangerous wild animal" as defined in §822.101 of the Texas Health & Safety Code, to wit: a lion, a tiger, an ocelot, a cougar, a leopard, a cheetah, a jaguar, a bobcat, a lynx, a serval, a caracal, a hyena, a bear, a coyote, a jackal, a baboon, a chimpanzee, an orangutan, a gorilla or any hybrid of an animal listed in this subdivision.

Domestic: As applied to a species of animal indicates an animal that has been domesticated by man so as to live and breed in a tame condition. Domestic animals have been adapted to life in intimate association with and to the advantage of man by modifying growth and traits through provision of food, protection from enemies, and selective breeding during many generations, often to the extent that the domesticated

form loses the ability to survive in nature. This term does not include an animal that has merely been raised domestically.

**Primary Enclosure:** A cage, case, compartment, crate, pen, corral, case, aquarium, run, room, building, or other place used solely to immediately restrict an animal to a limited amount of space, for the primary housing of an animal, or for the transportation of an animal.

**Impound:** The apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary, the destruction of any wild or dangerous animal by an animal control officer.

**Impounding facility:** Any premises approved and designated by Animal Control for the purpose of impounding or caring for all wild or dangerous animals found in violation of these Regulations including, but not limited to, the animal shelter operated by Animal Control.

**Local Health Authority:** The agents and officers of the City of Odessa Police Department specifically including its Animal Control Division as the duly appointed agency to enforce these regulations.

**Non-transferable:** Cannot be transferred from one owner to another, from one animal to another, nor from one location to another.

**Owner:** Any person that owns, harbors, or has custody or control of a dangerous wild animal or a wild animal or has part interest in any such animal. It is a rebuttable presumption that the occupant of any premises on which an animal remains for a period of seven (7) days is harboring, sheltering or keeping the animal within this definition. If a minor owns an animal subject to the provisions of these rules, his or her parent, or guardian is deemed the owner of such animal.

**Perimeter Fence:** A secondary barrier, in addition to the primary enclosure in which an animal is kept, which restricts the entrance of unauthorized persons or animals to the primary enclosure by being of sufficient strength and height, and which is capable of being securely locked so as to prevent entry; a perimeter fence shall be placed with sufficient distance from the primary enclosure to prevent inadvertent contact with the animal inside the primary enclosure from outside of the perimeter fence.

**Person:** Includes an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, joint stock company, foundation, association of individuals, or any other legal entity.

**Residence:** A house, duplex, apartment, townhouse, condominium, mobile home or any other structure used as a human residence.

Registered Animal: An animal registered with Animal Control pursuant to Section 6 of these regulations.

Restraint: The control of a wild or dangerous animal by a secure enclosure as defined in Section 8 of these Regulations.

School: Primary and secondary public or private school facilities, including all attached playgrounds, dormitories, stadiums and other appurtenances which are part of the facility.

Secure Enclosure: A fenced area or a structure that is in conformity with Section 9 of these regulations.

State: The State of Texas.

Stray: Any animal not under restraint as defined by these Regulations.

Unincorporated Ector County: That portion of Ector County that is not within the incorporated boundaries of a municipality, town, or village.

Wild Animal: The species of nondomestic animals that the Commissioners Court of Ector County has determined to be dangerous and in need of control in Ector County, Texas, due to the animal's size or nature, zoonotic health concerns or other characteristics, listed in the attached Appendix A. The list of animals may be amended from time to time as Commissioners Court finds necessary to protect human health and safety. The term "dangerous wild animal" may include animals designated as "wild animals" in these regulations and the Commissioners Court may find that a "wild animal" is also a "dangerous wild animal"

SECTION 4                      RESTRICTIONS ON THE KEEPING OF DANGEROUS WILD ANIMALS OR WILD ANIMALS IN ECTOR COUNTY

A.     No **dangerous wild animal or wild animal** shall be kept within 1000 feet of a school or child care facility. For the purposes of this rule the distance shall be measured in a straight line from the nearest property line of the school or child care facility to the nearest portion of the building meeting the definition of a Primary Enclosure in which the animal is kept. If the dangerous wild animal or wild animal is not kept within a building meeting the definition of a Primary Enclosure, measurement shall be made from the nearest portion of the enclosure in which the animal is kept to the nearest property line of the school or child care facility. This distance restriction applies even if the school or child care facility is not located in the unincorporated area of Ector County, Texas. A waiver of this section solely shall apply only if the animal was present in the county prior to April 23, 2001.

B. No **dangerous wild animal or wild animal** shall be kept in the unincorporated area of Ector County at or within 1000 feet of any residence, except for the residence of the owner of the dangerous wild animal or wild animal. The distance shall be measured in a straight line from the nearest portion of the structure used as a residence to the nearest portion of the building meeting the definition of a Primary Enclosure in which the animal is kept. If the animal is not kept within a building meeting the definition of a Primary Enclosure, measurement shall be made from the nearest portion of the enclosure in which the dangerous animal is kept to the nearest portion of the residential structure. This distance restriction applies even if the residence is not located in the unincorporated area of Ector County, Texas.

A waiver of this section solely shall apply only if the animal was present in the county prior to April 23, 2001.

C. The number of young born to a registered **dangerous wild animal or wild animal** shall be reported, in writing, to Animal Control within thirty (30) days of birth. Within twelve (12) weeks after the birth of any young, the owner of the registered dangerous wild animal or wild animal shall report to Animal Control, in writing and under oath, the location and ownership of each of the surviving young. Each of the offspring remaining in the unincorporated area of Ector County past the age of twelve (12) weeks must be registered.

D. No **dangerous wild animal or wild animal** over the age of twelve (12) weeks and without a certificate of registration may be kept anywhere in the unincorporated area of Ector County, Texas.

E. **Dangerous wild animals or wild animals, which** are required to be registered under these regulations, whether or not they are in fact registered, shall be kept in a secure enclosure, which meets or surpasses the standards for size and strength set out in these rules. If a dangerous wild animal or a wild animal escapes from the enclosure in which it is confined, it shall be presumed that the enclosure was not a secure enclosure.

F. A person who is the owner or custodian of a **dangerous wild animal or a wild animal** subject to these regulations, as set out in this section, is required to comply with these regulations no later than thirty (30) days after the effective date of these amendments.

G. A dangerous animal in the custody of a veterinarian authorized to practice in Texas under the Veterinary Licensing Act is not subject to these regulations so long as; the **dangerous wild animal or the wild animal** is owned by another person and the dangerous wild animal or the wild animal is in the custody of the veterinarian for the purpose of veterinary treatment or temporary housing for a period of less than one month.

SECTION 5

REGISTRATION OF DANGEROUS WILD ANIMALS AND WILD ANIMALS

A. The owner of an animal required to be registered under these regulations shall submit an application for a certificate of registration to Animal Control on the form provided by Animal Control or a legible copy of that form. An animal may not be transported to a location where it is required to be registered until Animal Control has issued the registration number and tag.

B. Upon satisfaction of the requirements of these regulations a registration number and tag will be issued, the tag shall be attached at all times to the enclosure in which each animal is kept.

C. The application for a certificate of registration shall include the following information:

1. the full name, residential address, and telephone of the owner of the animal, the name, address and telephone number of the custodian of the animal (if different than owner's), and the name and telephone number of a person to be contacted in the event of an emergency if the owner or custodian is not available;

2. a photograph of the animal clearly showing its face, specifically both eyes, nose, ears and neck, and a description of the animal including species, age, sex, size (by weight, height and length), color and/or markings and any other distinguishing characteristics, including identifying tattoos or microchips, and from where and from whom the animal was obtained;

3. a statement whether the owner intends to breed the animal or if it has been neutered or spayed; and

4. a photograph and a description of the enclosure in which the animal will be kept, including:

(a) the address of the location where the animal will be kept; and

(b) a description of the materials from which the enclosure is constructed, or will be constructed, the dimensions of the enclosure or the construction plan for the enclosure (a photograph of the enclosure is required to be submitted once the enclosure is constructed.)

(c) Animal Control may request additional information about the enclosure and may require access to the enclosure to inspect it to confirm that the enclosure complies with the description and the requirements set out in these regulations. If animal control requests further information, or an inspection, the registration number will not be issued until this request is satisfied.

D. The application for a certificate of registration shall also contain a sworn statement that:

1. the location at which the dangerous wild animal or the wild animal is to be kept is not within 1000 feet of a school or childcare facility;
2. the location at which the dangerous wild animal or the wild animal is to be kept are not within 1000 feet of another residence;
3. the location is not subject to deed restrictions, or, alternatively, if the location is subject to deed restrictions, the owner shall attach a letter from the community association confirming that keeping the animal is not in violation of the deed restrictions or that the owner has obtained a variance from the deed restrictions in order to keep the dangerous or wild animal at that location;
4. the applicant owns the location at which the animal is to be kept or, if the applicant does not own the location, a letter from the owner of the property stating that the applicant is authorized to keep the dangerous or wild animal at that location;
5. the applicant has liability insurance 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 or the wild animal; and
6. all information in the application is complete and accurate.

E. The application for a certificate of registration shall also include the following documentation:

1. the color photograph required by this section;
2. proof, in a form acceptable to Animal Control, that the applicant has liability insurance as required by this section;
3. if the applicant holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor's license issued by the USDA under the Animal Welfare Act, a clear and legible copy of the license; and
4. in the case of an application for renewal, a statement from a veterinarian licensed to practice in the State of Texas stating that the veterinarian:
  - (a) inspected each animal being registered not earlier than the 30<sup>th</sup> day before the date of the filing of the renewal application; and

(b) finds that the care and treatment of each animal of the owner meets or exceeds the standards prescribed under Chapter 822 of the Texas Health & Safety Code.

F. Each application shall be accompanied by a nonrefundable fee of \$50 for each animal registered up to but not exceeding a total fee of \$500 for each person registering animals, regardless of the number of animals owned by that person.

G. The original or renewal certificate of registration shall be valid for twelve (12) months from the date of issuance, unless revoked.

H. In the event the registration tag is lost, a duplicate may be obtained from Animal Control.

I. Animal Control shall keep a record of all the applications and certificates of registration issued under the terms of these regulations, which records shall show the name and address of all persons being issued such certificate(s) of registration, the number of certificate of registration receipts issued, the date the certificates of registration were issued and the sex and description of the registered animals.

J. A certification of registration is not transferable. If the registered animal is moved to a new location or transferred to a new owner, then the registration-holder shall immediately notify Animal Control of the pending transfer of ownership, as provided in Section 6 (E), below. The proposed new owner shall submit a new application and the new certificate of registration must be approved, prior to the transfer. The original registration number shall be reissued to the animal upon approval of the new certificate of registration.

## SECTION 6 DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION

A. Within thirty (30) days of receipt of an application for an original or renewal certificate of registration, Animal Control shall:

1. issue a certificate of registration number and tag upon approval of the application and confirmation that that the Primary Enclosure in which the animal will be kept complies with these regulations;
2. grant a ten-day extension to accommodate an inspection or submission of other information requested by Animal Control; or
3. issue a letter of denial stating with specificity the grounds upon which the application is denied, such grounds may include but are not limited to: the applicant's failure to provide all the information required under these regulations; the applicant's failure to accommodate inspection of the Primary Enclosure by Animal Control or to

provide additional information about the Primary Enclosure requested by Animal Control; the applicant having made a material misrepresentation of information contained in the application, including a material omission; a finding that the Primary Enclosure described in the application does not comply with these regulations; a finding that keeping the animal at the location identified in the application would violate these regulations; or any other violation of any other provision of these regulations.

B. If Animal Control finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with these regulations, then Animal Control may revoke the certification 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 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 court to a county court in Ector County, Texas. The decision of the county court may not be appealed.

D. The filing of an appeal or the denial or revocation of a certificate of registration under subsection C, above, stays the denial or revocation until the court rules on the appeal.

E. A certificate of registration may be canceled at any time by providing Animal Control written notice, signed by the owner, that an animal has died, or has been transferred to a new location or new owner. If the animal is being transferred to a new owner, the notice shall indicate the name and address of the proposed new owner, and the location of the animal. If the animal has died, the notice shall contain a statement indicating the cause of death, date of death and the disposition of the carcass.

## SECTION 7 DISPLAY OF CERTIFICATE OF REGISTRATION AND WARNING SIGNS

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. All entrances to a building in which a dangerous wild animal or a wild animal required to be registered under these regulations is kept shall be posted with a warning sign to notify emergency response personnel of the presence of the dangerous wild animal or the wild animal and shall include a diagram of the building showing the location of the enclosure in which the animal is kept.

C. 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 and pay the administrative fee, if any, associated with such filing.

D. Although not a requirement under these regulations, it is recommended that any person who keeps a constrictor snake or venomous snake at a property in Ector County post a notice sign at each entrance to alert emergency personnel of the presence and specific location of the snakes.

## SECTION 8 PROVISIONS FOR U.S.D.A. LICENSED FACILITIES

A. An exhibitor licensed under the Animal Welfare Act (7 U.S.C. Section 2131, et. seq.) located in the unincorporated area of Ector County is subject only to the provisions of these regulations, which apply to **wild animals**.

B. A facility that keeps **dangerous wild animals or wild animals in the unincorporated area of Ector County** and is licensed under the Animal Welfare Act (7 U.S.C. Section 2131, et. seq.) (USDA Licensed Facility) shall comply with the following requirements:

1. Unless the facility is a USDA Licensed Facility, no **dangerous wild animals or wild animals** may be kept at the facility if the enclosure within which any **dangerous wild animals or wild animals** are kept is within 1,000 feet of the property line of a school; such a pre-existing USDA Licensed Facility shall register with Animal Control as an Exotic Animal Facility and provide to Animal Control an annual report indicating the species of **dangerous wild animals or wild animals** maintained at the facility and the approximate number of each species kept at the facility; and such a facility is subject to inspection by Animal Control, and required to meet or exceed the enclosure requirements, sanitation standards and animal health and husbandry standards contained in these regulations.

2. Unless the facility is a USDA Licensed Facility, no **dangerous wild animals or wild animals** may be kept at the facility if the enclosure within which any **dangerous wild animals or wild animals** are kept is within 1,000 feet of the property line of a residence; such a pre-existing USDA Licensed Facility shall register with Animal Control as an Exotic Animal Facility and provide to Animal Control an annual report indicating the species of **dangerous wild animals or wild animals** maintained at the facility and the approximate number of each species kept at the facility; and such a facility is subject to inspection by Animal Control, and required to meet or exceed the Secure Enclosure requirements, sanitation standards and animal health and husbandry standards contained in these regulations.

3. If a USDA Licensed Facility, other than one holding an exhibitor license, keeps any **dangerous wild animals or wild animals** within the unincorporated area of Ector County it is required to register with Animal Control as an Exotic Animal Facility; provide Animal Control with an annual report indicating the species of **dangerous wild animals or wild animals** maintained at the facility and the approximate number of each species kept at the facility; and such a facility is subject to inspection by Animal Control and required to meet or exceed the enclosure requirements, sanitation standards and animal health and husbandry standards contained in these regulations.

4. A USDA Licensed Facility is not required to register each **dangerous wild animal or wild animal** kept at the facility.

5. The number of young born to a **dangerous wild animal or a wild female animal** at an Exotic Animal Facility shall be reported in writing to Animal Control within twelve (12) weeks after birth.

6. When an Exotic Animal Facility transfers a **dangerous wild animal or a wild animal**, of any age, to a new owner or custodian, the facility shall report to Animal Control, in writing, the location where the animal was transferred and the person to whom it was transferred.

C. A USDA registered exhibitor facility is not subject to these regulations.

SECTION 9                      REQUIREMENTS FOR PRIMARY ENCLOSURES, CARE, TREATMENT, AND TRANSPORTATION OF DANGEROUS WILD ANIMALS AND WILD ANIMALS

A. Primary Enclosures for animals required to be registered in Ector County shall meet those standards established by the Board pursuant to § 822.111, Texas Health & Safety Code. Generally, the Primary Enclosures must be designed and constructed so that they are structurally sound for the containment of the species of animal to be housed; must be kept in good repair; protect the animal from injury; contain the animal securely; and be sufficiently strong to prevent escape.

B. Enclosures must be heated and cooled if necessary to protect animals from temperature extremes and to provide for the health and well being of the species housed in accordance with generally accepted husbandry practices. The enclosure must provide access to shelter from sun, rain, snow, wind and cold and other extreme weather conditions.

C. The outdoor area of a place at which animals required to be registered are kept and all Exotic Animal Facilities required to be registered pursuant to these regulations must be enclosed by a perimeter fence that is at least eight (8) feet in height and at least three feet distant from each Primary Enclosure. The perimeter fence shall be kept securely locked to

prevent access by any person unless authorized to enter by the person who is responsible for the animal. The perimeter fence shall be a sufficient distance from the Primary Enclosure in which the animal is kept to prevent physical contact between persons and animals outside the perimeter fence with the animal inside the Primary Enclosure. If the Primary Enclosure is contained within a building, the requirement of a perimeter fence may be waived upon a showing that the building is sufficiently secure to keep out unauthorized persons and animals.

D. Primary Enclosures must be lighted so as to permit routine inspection and cleaning of the facility and observation of the animals.

E. Reliable and adequate electrical power, if required to comply with other provisions of this section, and adequate potable water shall be available on the premises at which the Primary Enclosure is located.

F. Primary Enclosures shall be equipped with locks and locking mechanisms to prevent opening by unauthorized persons or by the animal kept in the enclosure.

G. Primary Enclosures should provide each animal, at minimum, floor space at least six (6) times the area occupied by the animal when in a normal standing or reclining position.

H. All Primary Enclosures containing non-human primates shall be covered at the top to prevent escape. All other Primary Enclosures must be covered at the top unless constructed at sufficient height and in such a manner so as to prevent the escape of the species of animal kept within the enclosure.

I. It shall be unlawful for any person to possess in Ector County any animal that is required to be registered unless the animal is confined in an enclosure, which meets or exceeds these minimum construction specifications:

1. Primary Enclosure construction shall consist of not less than nine (9) gauge chain link or equivalent for the following: bears; non-domestic canids, including hybrids; hyenas; all non-human primates; and non-domestic ungulates.

2. Construction materials for Primary Enclosures for rhinoceros or elephants shall consist of steel bars, masonry block or the equivalent.

3. All Primary Enclosures constructed of chain link shall be braced and securely anchored at ground level and shall utilize metal corners, clamps, ties and braces of equivalent strength to the materials prescribed for enclosure construction for that species.

4. Frames for Primary Enclosures, including corners, braces, and top and bottom rails shall be securely bolted or welded to provide maximum strength.

J. The Primary Enclosures in which animals required to be registered pursuant to these regulations are kept shall be kept clean and in a sanitary condition. They shall be kept well drained to prevent unsanitary conditions likely to attract or harbor mosquitoes, rodents, vermin or disease carrying pests or any other condition that would be a possible and probable medium of disease transmission to humans. Additionally, provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris from the Primary Enclosures on a routine basis. Said provisions for disposal of waste products and other debris shall minimize risk of vermin infestation, odors and disease hazards and shall comply with applicable Federal, State and County laws relating to pollution control, public health nuisances, and the protection of the environment.

K Animal Control is authorized to make reasonable, periodic inspections of the Primary Enclosures where any registered animal is kept to confirm compliance with these regulations. Animal Control may request the assistance and advice of animal care experts to evaluate and determine the security and appropriateness of an enclosure for a specific animal.

L. An animal that is required to be registered shall be maintained in a manner consistent with general husbandry standards to maintain the health of the animal. The diet for an animal must be appropriate for the animal's size, age, and the condition of the animal, according to generally accepted professional and husbandry practices and nutritional standards. The food must be clean, wholesome and palatable to the animal and be of sufficient quantity and nutritive value to maintain a healthful condition and weight range of the animal and to meet its normal daily nutritional requirements. Food and food receptacles must be located so as to minimize risk of contamination by excreta and pests. Food receptacles must be kept clean and be readily accessible. Fresh potable water must be available at all times and all water receptacles shall be kept clean and sanitary.

M. Excreta and food wastes must be removed from inside each enclosure as often as necessary to prevent accumulation of feces and food waste to reduce disease hazards, insects, pests and odors.

N. A violation of §42.11, Tex. Penal Code Ann. (cruelty to animals) or §821.021 *et seq.*, Tex. Health & Safety Code Ann. (cruelty to animals) shall be prima facie evidence that this section has been violated.

O. An owner of a dangerous wild animal or a wild animal shall maintain a separate written log for each animal documenting its' veterinary care. The log must identify the animal treated, provide the date of treatment, describe the type or nature of the treatment, and provide the name of the attending veterinarian, if applicable. Upon request, this log shall be made available to Animal Control for inspection.

P. Any **wild animal** being transported to or from a location shall be transported inside an escape-proof enclosure. A transportation enclosure must be strong enough to contain the

animal securely and comfortably and to withstand the normal rigors of travel. The interior of the transportation enclosure may not have sharp points, edges or protrusions that could injure the animal contained in it.

Q. The animal shall be at all times securely contained within the transportation enclosure and shall not be able to put any part of its body outside the transportation enclosure in a way that could result in injury to the animal or to persons or animals nearby. It shall be possible to quickly and easily remove the animal from the transportation enclosure in an emergency.

R. The doors or other openings that provide access into the transportation enclosure are to be secured with mechanisms that prevent accidental opening of the transportation enclosure, including opening by the animal contained within it. Adequate ventilation must be provided for the transportation enclosure as well as appropriate temperature control for the species of animal being transported.

S. The transportation enclosure used to transport an animal must be large enough so that each animal contained in the transportation enclosure has enough space to turn around freely in a normal manner and to sit in an upright position without its head touching the top of the transportation enclosure. Certain large species may be restricted in the movement, in accordance with professionally accepted standards of care, when greater freedom of movement would be dangerous to the animal, its handler, or to other persons.

T. It shall be presumed that the transportation enclosure in which an animal was transferred did not comply with these provisions if the animal escapes from the transportation enclosure.

U. It is intended that the Primary Enclosure requirements set forth in this section be compatible with those Primary Enclosure requirements that are to be promulgated by the Board as required by §822.111. If there is a conflict between the Board's regulations for Primary Enclosures and these regulations, the Board's regulations shall supercede any nonconforming requirements contained herein.

## SECTION 10. RESTRAINT AND IMPOUNDMENT

A. All wild and dangerous animals may, at the discretion of the Animal Control supervisor, be kept under restraint while in the unincorporated areas of Ector County, Texas. The custodian of every wild or dangerous animal is responsible for any behavior of a wild or dangerous animal under the provisions of these Regulations.

B. Animal Control and other persons designated by Animal Control shall have the authority to impound the following:

- (1) All stray wild or dangerous animals;

- (2) Any wild or dangerous animal that has bitten or scratched a person; and
- (3) Any wild or dangerous animal that is being housed or maintained in violation of these Regulations.

C. All animals seized and confined under this section should be impounded in an impoundment facility designated by Animal Control.

D. Animal Control officers are authorized to enter any unsecured or unfenced lot, tract or parcel of land for the purpose of seizing any stray wild or dangerous animal. Nothing in these Regulations should be construed as authority for Animal Control officers, employees or their agents to enter buildings unless:

- (1) the owner or other person with control over the premises consents to entry;
- (2) a valid warrant is obtained; or
- (3) exigent circumstances exist such that there is necessity to act immediately to protect or preserve life or to prevent serious injury to a person or an animal.

E. Any person may take and deliver to an animal control officer or Animal Control any stray wild or dangerous animal that Animal Control is, by the provisions of these Regulations, required to impound. Each stray wild or dangerous animal is a public nuisance.

F. When a wild or dangerous animal is a stray and the animal control officer knows its ownership, the officer has the discretion to:

- (1) impound the animal;
- (2) cite the custodian of the animal to appear in a justice of the peace court to answer charges of violation of these Regulations; or
- (3) impound the animal and cite the custodian of the animal to appear in a justice of the peace court to answer charges of violation of these Regulations.

G. Upon receiving any wild or dangerous animal, Animal Control should make a complete record of the breed, color and sex of the animal and the place and time it was caught. If the animal has a registration tag, the name and address of the custodian and the number of the vaccination and/or registration tag is to be included in the record.

H. The custodian of any registered impounded animal may redeem such animal during regular business hours of the Odessa Animal Control shelter, prior to the animal's adoption, sale or destruction, by meeting all the requirements of these Regulations.

I. The custodian of any unregistered impounded animal may redeem such animal during regular business hours of the Odessa Animal Control shelter prior to its adoption, sale or destruction, by licensing said animal and meeting all the other requirements of these Regulations.

J. Animal Control shall keep all healthy unclaimed wild or dangerous animals for a period of ten (10) working days. At the expiration of that time if the wild or dangerous animal has not been claimed or redeemed by the owner, it may be put up for adoption, sold, or humanely destroyed. All actions taken under this section shall be conducted as required under the Animal Welfare Act (7. U.S.C. Section 2131 et. seq.).

K. Any animal impounded under the terms of these Regulations and not redeemed within ten (10) working days may be placed with an established facility that cares for and maintains wild or dangerous animals and which meets with the approval of Animal Control.

L. All animals impounded under these Regulations that are not redeemed, adopted, placed, or sold as provided herein may be humanely destroyed.

M. No person may interfere with, hinder or molest any Animal Control Officer, or other party designated by Animal Control, in the performance of any duty delegated in these Regulations, nor shall any person seek to release any animal impounded under the provisions of these Regulations except as herein provided.

## SECTION 11            ATTACK BY ANIMAL OR ESCAPE OF ANIMAL

A. An owner of a dangerous wild animal or a wild animal shall notify Animal Control of any attack of a human by the animal within 48 hours of the attack.

B. An owner of a dangerous wild animal or a wild animal shall immediately notify Animal Control of any escape of the animal as well as either the Ector County Sheriff's Department or the constable of the precinct where the animal was housed at the time of its escape. An owner of a dangerous wild animal or a wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.

C. Neither Animal Control nor the law enforcement agency notified of the escape is liable to an owner of a dangerous wild animal or a wild animal for damages arising in connection with the escape of the animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

D. Any condition which results in the escape of a dangerous wild animal or a wild animal from its Primary Enclosure or which results in injury to any person shall be considered keeping the animal in an unsafe manner and shall be a violation of these regulations.

## SECTION 12

## ENFORCEMENT

A. An offense under this section is a Class C misdemeanor as authorized pursuant to §240.003 of the Local Government Code. A person who keeps a dangerous wild animal or a wild animal in a location within the unincorporated area of Ector County subject to these regulations, including but not limited to an Exotic Animal Facility, whether or not the animal is registered, commits a Class C misdemeanor. Each of the following is a separate offense in violation of these regulations, and each day a violation continues is a separate offense:

1. failing to register an animal as required under these regulations;
2. failing to keep animal in a Primary Enclosure that complies with these regulations; a violation under this section includes but is not limited to failure to comply with the minimum standards of construction for a Primary Enclosure and failure to prevent the animal from escaping from a Primary Enclosure in which it is kept. It is not a defense to this offense that an unauthorized person released an animal from the Primary Enclosure;
3. failing to allow Animal Control to inspect the Primary Enclosure in which an animal is kept;
4. failing to maintain a Primary Enclosure in which an animal is kept clean and in a sanitary condition as required under Section 9;
5. failing to report the birth of young, and the disposition of the young, as provided by these regulations;
6. making a material misrepresentation of any fact, including the intentional omission of material information, required to be provided to Animal Control under these regulations that, because of the nature of the misrepresentation, could hinder the effectiveness of these regulations to protect the health and safety of residents of Ector County;
7. failing to display a certificate of registration or to clearly post a building or property where an animal registered under these regulations is kept with a sign to alert emergency personnel to the presence of the animal as required by these regulations;
8. failing to furnish the Texas Department of Health with a copy of the certificate of registration issued pursuant to these regulations;
9. failing to report an attack by a dangerous wild animal or a wild animal as required by these regulations;

10 failing to report the escape of a dangerous wild animal or a wild animal as required by these regulations; and

11. knowingly selling or transferring ownership of a dangerous wild animal or a wild animal to a person who does not have a certificate of registration for that animal as required by these regulations; and

12. interfering with, hindering or molesting any Animal Control Officer, or other party designated by Animal Control, in the performance of any duty delegated in these Regulations; and

13. attempting to release any animal impounded under the provisions of these regulations except as herein provided.

B. A person who violates the registration requirement of these regulations 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.

C. In addition or in the alternative, upon receiving information from Animal Control that there is a threat of violation of these regulations or that a violation is occurring, the Ector County Attorney may file an action in a District Court to enjoin a violation or threatened violation of these regulations and to obtain injunctive relief as the facts may warrant. If an immediate threat to public health and safety exists because of the failure to comply with minimum caging or sanitation requirements, the County Attorney may request an injunction requiring that the animal be placed at a facility approved by Animal Control until such time as the owner of the animal is able to demonstrate that the return of the animal will not cause a threat to public health and safety.

### SECTION 13            SEVERABILITY

A. If any provision of these regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

### SECTION 14            EFFECTIVE DATE

A. These regulations shall become effective on June 27, 2005.

APPENDIX A

ANIMALS THAT ARE DANGEROUS AND IN NEED OF CONTROL  
IN ECTOR COUNTY, TEXAS

The following animals are found by the Commissioners Court of Ector County to be dangerous and in need of control in the unincorporated area of Ector County, Texas due to the animal's size or nature, concerns of zoonotic disease transmission or other characteristics. This determination is made pursuant to the authority granted in Chapter 240 of the Texas Local Government Code, specifically including the authority granted pursuant to Section 240.002. The following "wild" animals are hereby determined to be dangerous and in need of control in Ector County, Texas pursuant to §240.001:

apes <sup>1</sup>	bears
cheetahs	cougars
elephants	hyenas
jaguars	leopards
lions	ocelots
rhinoceroses	tigers
wolves	binturongs
lesser pandas	bobcats
lynxes	servals
coyotes	jackals

and the following categories of animals:

Non-domestic canids, including hybrids  
Non-domestic ungulates<sup>2</sup>

All non-domestic felids, including hybrids  
Non-human primates<sup>3</sup>

The identified animals and categories are found to be a potential threat to public health and safety because of the risk of serious traumatic injury and/or threat of disease transmission, including but not limited to rabies. In order to protect the health and safety of people in Ector County the Ector County Commissioners Court as authorized shall regulate the keeping of these animals under the laws of Texas and the United States.

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<sup>1</sup> Apes are included within the "wild" animal definition of §240.001 and they are also included in the class of non-human primates herein.

<sup>2</sup> Ungulates are hoofed animals. For clarification, under these regulations llamas and camels are domesticated ungulates.

<sup>3</sup> Since October 10, 1975 the importation of non-human primates has been prohibited by Public Health Service quarantine regulations except for scientific, educational or exhibition purposes by importers registered with the Centers for Disease Control (CDC). Non-human primates are not admissible into the U.S. as pets. CDC developed regulations because such animals are a significant source of infectious disease in humans. See Department of Human Services Centers for Disease Control Advisory Memorandum No. 65. July 26, 1988.