

THENCE, SOUTH 89°30'00" EAST, ON THE COMMON BOUNDARY OF THIS TRACT AND SAID 1.63 ACRE TRACT AND ON THE EXISTING FENCE, 588.40 FEET TO AN IRON PIN FOUND IN THE WEST RIGHT-OF-WAY OF HEIDEKE STREET FOR THE NORTHWEST CORNER OF THIS TRACT AND SOUTHWEST CORNER OF SAID 1.63 ACRE TRACT;

THENCE, SOUTH 00°30'00" WEST, ON THE WEST RIGHT-OF-WAY OF HEIDEKE STREET, 22.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.000 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON AN (ON THE GROUND) SURVEY DONE UNDER MY SUPERVISION ON OCTOBER 31, 1997

TRI-COUNTY LAND SURVEYING, INC.
PROJECT NO 9710127

JACK C. EVANS, R.P.L.S. NO 1523

THIRTEENTH: Motion made by Commissioner Wolverton to approve the following Animal Control Ordinance and Addendum. Motion seconded by Commissioner Rester, and all voted aye.

**Guadalupe County Animal Control Ordinance
No. 0001**

Whereas, it is the desire of the Guadalupe County Commissioners' Court to establish the following regulations concerning licensing of dogs, vaccination of animals, reporting of human exposure to rabies, quarantining and testing of biting animals, reduction of the stray animal population, restraint of dangerous dogs, prohibition of dogs running at large; and to prescribe penalties for violations of such provisions in accordance with, and pursuant to, chapters 822 and 826, Health and Safety Code, V.T.C.A.

Section 1 Definitions

When used in this order, the following words and terms shall be interpreted as follows:

- 1.01 Animal - Any mammal, domestic, or wild.
- 1.02 Animal Control Authority - A person, or agency designated by the Commissioners' Court to enforce the provisions of this order and Vernon's Texas Statutes and Codes Annotated Health and Safety Code, Chapter 826. Rabies.
- 1.03 Animal Control Facility - A facility operated for the purpose of impounding animals under the authority of this ordinance or State Law for care, confinement, return to owner, adoption, or euthanasia.
- 1.04 Currently Vaccinated - Vaccinated and satisfying the following criteria:
 - A. The animal must have been vaccinated against rabies at three (3) months of age, or earlier, as prescribed by the United States Department of Agriculture (USDA).
 - B. At least thirty (30) days have elapsed since the initial vaccination.
 - C. Not more than twelve (12) months have elapsed since the most recent vaccination.
- 1.05 Custodian - A person, or agency which feeds, shelters, harbors, has possession, or has responsibility to control an animal.
- 1.06 Dangerous Dog - A dog that
 - A. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than the enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or,
 - B. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and which was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

- 1.07 Dog - Any live or dead *Canis Familiaris*
- 1.08 Restraint
Secured by a leash or lead and under the control of a responsible person, or obedient to that person's commands.
- 1.09 Running at Large
Free of restraint while outside the boundaries of the real property of the custodian, or on private property with the permission of the property owner or property owner's agent.
- 1.10 Stray - An animal running at large.
- 1.11 Altered-The surgical removal of the reproductive organs of a dog to render the animal unable to reproduce.
- 1.12 Unaltered- Animal able to reproduce.

Section 2

Designation of Local Rabies Control Authority

- 2.01 Texas Health and Safety Code 826.017 authorizes Commissioners' Court to designate an officer to act as the local rabies control authority for the promotion of rabies control.
- 2.02 Commissioners' Court designates the Sheriff of Guadalupe County, or his/her designee, as its officer for rabies control.
- 2.03 The local rabies control authority or his/her designee shall have the duty to enforce:
- The Rabies Control Act of 1981, Texas Health and Safety Code 826.001 et seq. (Vernon's 1990) and the amendments thereto;
 - The rules of the Texas Board of Health which comprise the minimum standards for rabies control;
 - The Guadalupe County Animal Control Order adopted herein; and
 - The rules adopted by the Texas Board of Health under the area of Quarantine Provisions of the Rabies Control Act of 1981.

Section 3

Vaccination of Dogs

- 3.01 Pursuant to Texas Health and Safety Code 826.021, the custodian of any dog shall have the animal vaccinated for rabies at three (3) months of age and once every twelve (12) months thereafter.

3.02 Certificate of Vaccination

Upon vaccination, the veterinarian shall furnish to the custodian of the dog 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 custodian of the dog.
- B. The date of vaccination.
- C. The type of rabies vaccine used.
- D. The year and number on rabies tag; and
- E. The breed, age, color, and sex of the dog.

3.03 Rabies Tag

Concurrent with the issuance and delivery of the certificate of vaccination, the custodian of the dog shall attach to the collar or harness of the vaccinated dog a metal tag, serial number to correspond with the vaccination certificate number, and bearing the year of issuance and name of the issuing veterinarian and his/her address. The custodian shall have the collar or harness, with the metal tag attached on his/her dog at all times.

3.04 Proof

It shall be unlawful for the custodian of a vaccinated dog to fail, or refuse to exhibit his/her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

3.05 Any violation of this section is a Class C Misdemeanor.**Section 4
Licensing**

This section no longer applies

4.01 All dogs over the age of three (3) months will be required to be licensed by its custodian with the Guadalupe County Treasurer's Office, except as follows:

- A. Those with a valid license from a municipality within Guadalupe County in which the dog resides.
- B. Non-resident dog remaining within the County for less than sixty (60) days.

4.02 The custodian must make written application for each animal to be licensed. The application must include the custodian, name, address, phone number, and description of the animal. No application will be accepted without a valid rabies vaccination certificate.**4.03 The Guadalupe County Treasurer's Office may enter into a separate contract with any licensed veterinarian or Animal Control Authority to issue the license.**

No longer Applicable

- 4.04 The custodian of each dog shall attach the license tag to a collar or harness. The collar or harness must be worn at all times, when the dog is not on the premises of the custodian, or on private property with permission of the property owner or property owner's agent.
- 4.05 No person may use a license for any dog other than the dog for which it was issued.
- 4.06 The County Treasurer shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public during normal business hours.
- 4.07 It shall be the duty of the custodian of any dog to procure a duplicate tag from the County Treasurer's Office in the event the original tag is lost or destroyed.
- 4.08 The licensing shall be annual.
- 4.09 The licensing fee shall be set by Commissioners' Court and set forth in Section 7 of this Order.
- 4.10 An offense of this provision shall be a Class C Misdemeanor.

Section 5
Restraint, Impoundment, and Disposition of Dogs

- 5.01 Restraint - It shall be unlawful for the custodian of any dog whether vaccinated, licensed, or not, to let such an animal run at large. All dogs shall be restrained when they are not on the custodian's property or on private property with permission of the property owner, or property owner's agent.
- 5.02 A dog within an automobile, or other vehicle of its owner, shall not be considered unrestrained, or at large.
- 5.03 Any violation of this provision is a Class C Misdemeanor.
- 5.04 Impoundment - Any dog found in the unincorporated areas of Guadalupe County in violation of this Order may immediately, be impounded by the Animal Control Authority and kept for a period of 72 hours if unlicensed and 120 hours if licensed, after which time the dog becomes the property of the County or its designee. The dog shall then be humanely euthanized, or placed for adoption in a suitable home according to policies and procedures of the Animal Control Authority.

- 5.05 The custodian of any dog impounded under this order shall be allowed to take such dog from the place where impounded upon the following conditions:
1. Payment of any impounding and daily boarding fee as established by Commissioners' Court and set forth in Section 7 of this Order.
 2. If the dog is not wearing a collar or harness with valid rabies and license tags attached, the owner must present a certificate showing that the dog has been vaccinated prior to its release from impoundment and must further produce or secure a valid license tag for said dog.
 3. Provide the dog with a collar or harness to which the license and rabies tags are attached.
- 5.06 **Adoption:**
No unclaimed dog shall be released for adoption without being sterilized, or without a written agreement from the adoptee guaranteeing that such animal will be sterilized.
- 5.07 Custodians failing to reclaim an animal shall still be responsible for all costs incurred, including, but not limited to, the costs for impounding and boarding.
- 5.08 **Authority to slay dogs running at large**
If any dog found in violation of this order cannot be safely taken up and impounded, such dog may, if deemed necessary, be slain by any authorized law enforcement officer, or animal control officer.
- 5.09 **Disposition of Injured and Sick Animals**
If an impounded animal is determined by Animal Control Authority to be suffering from disease or injury such that the animal is in pain, or is beyond reasonable medical help, the animal may be euthanized immediately without notice or any holding period.
- 5.10 It shall be unlawful for any person, or persons to prevent the Local Animal Control Authority from fulfilling the duties of their office or the provisions of this order. An offense under this section is a Class C Misdemeanor.
- 5.11 **Notice of Violations:**
In addition to, or in lieu of, impounding a dog found at large, the Animal Control Authority may issue to the known custodian of such dog a citation for violation of this order.

Section 6
Dangerous Dogs

6.01 Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal Control Authority means animal control office with authority over the area where the dangerous dog is kept.

Dangerous dog means a dog that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
2. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog means a domesticated animal that is a member of the canine family.

Owner means a person who owns or has custody or control of a dog.

Secure enclosure means a fenced area or structure that is:

1. Locked;
2. Capable of preventing the entry of the general public, including children;
3. Capable of preventing the escape or release of a dog;
4. Clearly marked as containing a dangerous dog; and
5. In conformance with the requirements for enclosures as established by the local animal control authority or animal control officer.

6.02 Violations

A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 6.04 or 6.05. An offense under this section is a Class C Misdemeanor.

6.03 Defense to Prosecution

- (a) It is a defense to prosecution under Section 6.06 or 6.02 that the person is a veterinarian or a person employed by a recognized animal shelter or a person employed by the state or by a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the dog in connection with that position.
- (b) It is a defense to prosecution under Section 6.06 or 6.02 that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.

- (c) It is a defense to prosecution under Section 6.06 or 6.02 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agency's Act, Vernon's Ann. Civ. St. art. 4413(29bb). (Code 1964, 5-66)

6.04 Requirements for Owner of Dangerous Dog

- (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:
- (1) Register the dangerous dog with the animal control officer;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or restrain the dangerous dog in a secure enclosure;
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person. Such liability insurance coverage must be provided along with the registration of the dangerous dog to the animal control officer; and
 - (4) Restrain the dangerous dog from all streets, avenues, highways, alleys, sidewalks, parkways, parks, and other public places.
- (b) For purposes of this section, a person learns that the person is the owner of a dangerous dog when the owner knows of an attack or act described in Section 6.01 or the owner is informed by the animal control officer that the dog is a dangerous dog.
- (c) If a person reports an incident described by Section 6.01, the animal control officer shall investigate the incident. If after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, and the animal control officer shall notify the owner of that fact.
- (d) An owner, not later than the 30th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, the owner may appeal the determination of the animal control officer to a justice or municipal court of competent jurisdiction. An owner may appeal the decision of the justice or municipal court in the same manner as appealed for other civil cases. During all such appeals, the owner of the dog in question must restrain the dog at all times on a leash in the immediate control of all persons or restrain the dog in a secure enclosure. Failure to comply with this subsection during the appeal of the determination of the animal control officer, will be grounds for the removal of the dog from the custody and control of the owner for the remainder of the appeal process. All costs associated with the failure of the owner to comply with this subsection, including impoundment fees and costs for caring for the dog, may be charged against the owner.

6.05 Registration

- (a) The animal control officer annually registers a dangerous dog if the owner presents proof of:
- (1) Liability insurance or financial responsibility, as required by Section 6.04
 - (2) Current rabies vaccination of the dangerous dog;
 - (3) The secure enclosure in which the dog will be kept;
 - (4) Signs a statement that he will take care of the dog, providing it with meals and ensuring that the secure enclosure is clean and of adequate size to ensure the animal's well-being;
 - (5) Pays an annual registration fee as established by the Commissioners' Court and set forth in Section 7; and
 - (6) Licenses the animal under Section 4 of this order.
- (b) The animal control officer shall provide the owner registering a dangerous dog with a registration tag. The dangerous dog registration tag must be attached to the dog's collar, and the collar must be maintained on the dog at all times. The owner must still comply with the licensing requirements contained in this article.
- (c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer of the new address where the new address where the dangerous dog is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as established by the Commissioners' Court and set forth in Section 7 to this order, the animal control officer shall issue a new registration tag to be placed on the dangerous dog's collar, which collar must be worn by the dog at all times.
- (d) An owner of a registered dangerous dog shall notify the animal control officer of any attacks the dangerous dog makes people or other animals.

6.06 Attack by Dangerous Dog

- (a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person and causes bodily injury to the other person.
- (b) An offense under this section is a Class C Misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A Misdemeanor.
- (c) If a person is found guilty of an offense under this section, this court may order the dangerous dog destroyed by a person qualified under V.T.C.A., Health and Safety Code §22.001 et. seq.

(d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. The County Attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the County.

**Section 7
Fee Schedule**

- 7.01 Dog License = \$1.00
- 7.02 Impoundment Fee = \$20.00 (Altered)
\$35.00 (Unaltered)
- 7.03 Boarding Fee = \$6.00/day
- 7.04 Registration of Dangerous Dog = \$50.00
- 7.05 Registration of Dangerous Dog Due to Change of Address = \$25.00

**Section 8
Severability Clause**

8.01 If any provision, section, article, paragraph, or sentence of this order shall be held invalid, such invalidity shall not affect the remaining provisions, sections, paragraphs, and sentences of this order.

**Section 9
Effective Date**

- 9.01 This order is effective
- 9.02 Passed and approved