



## SMITH COUNTY ANIMAL CONTROL ORDINANCE

Pursuant to the authority of Title 10 (entitled Health and Safety of Animals) of the Texas Health and Safety Code, the Smith County Commissioners Court adopts the following Ordinance to protect the public health, safety, and welfare in the unincorporated areas of Smith County. This Ordinance does not limit or expand any other legal remedy available to any person, or the County, under the laws of Texas and the United States for any injury or claim related to keeping of an animal, nor do these rules serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.

### DEFINITIONS

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For the purpose of these rules, certain terms and words are hereby defined. Words used in the present tense include the future; a singular number includes the plural and the singular; reference to the male gender includes the female gender and reference to any person or animal without specifying gender includes both male and female. The words “*animal*,” “*dog*,” “*quarantine*,” “*rabies*,” “*licensed veterinarian*,” “*vaccinated*,” and “*currently vaccinated*” shall have the same meaning as provided by or used in the Rabies Control Act, promulgated at Chapter 826 of the Texas Health and Safety Code.

**Advisory Committee:** *has the same meaning as provided by Texas Health and Safety Code, Section 823.005.*

**Animal Control Authority** *has the same meaning as provided by Texas Health and Safety Code, Section 822.001(a).* Among any other duties assigned by the Smith County Commissioners Court, Smith County Animal Control shall enforce the provisions of this Ordinance and applicable State law, by investigating complaints as to animal nuisances, issuing citations when deemed appropriate, and shall impound animals when appropriate.

**Bite** means any abrasion, scratch, puncture, tear, or piercing of the skin with a tooth or nail that causes bleeding and is caused by or suspected of being caused by an animal.

**Dangerous Dog** means any Canine 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 Canine was being kept and that was reasonably certain to prevent the Canine from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the Canine was being kept and that was reasonably certain to prevent the Canine from leaving the enclosure on its own and those acts cause a person to reasonably believe that the Canine will attack and cause bodily injury to that person. (TEX. HEALTH AND SAFETY CODE § 822.041(2))

**Domesticated Animal** any of various so as to live and breed in a tame condition.

**Impound Facility** means the Smith County Animal Impound Facility, or any other premises designated by the Smith County Commissioners Court, as a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals. (TEX. HEALTH AND SAFETY CODE, § 823.001(1)).

**Local Rabies Control Authority** means the Smith County Animal Control Supervisor or any qualified entity designated by the Smith County Commissioners Court, in accordance with Texas health and Safety Code, Chapter 826.

**Microchip** implant is an identifying integrated circuit placed under the skin of an animal. The chip, about the size of a large grain of rice, uses passive radio-frequency identification (RFID) technology, and also known as a PIT (passive integrated transponder) tag.

**Owner** means a person, or persons; who harbor, shelter, keep, manage, possess, or has any interest in any animal.

**Secure Enclosure** means a restraint or enclosure that is-reasonably designed to confine a Canine, taking into account the size, strength, agility, age, and history of the Canine.

**Shelter** means a protective structure that is large enough to allow the animal to stand up and turn around in; at least three (3) sides, and a roof; and provides protection from the extreme weather conditions.

**Sterilization** means the surgical removal of the reproductive organs of animals or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

**Stray** means a domestic animal that is roaming without physical restraint or owner supervision beyond the premises of the animal's owner.

## **SECTION 1** **ANIMAL CONTROL OFFICER DUTY AND ENFORCEMENT**

1. Animal control officers are those officers specifically hired to enforce this Ordinance. The sole responsibility of an Animal Control Officer is to enforce this Ordinance, and State law as applicable.
2. Animal control officers shall wear distinctive uniforms as required by Smith County Animal Control.
3. Animal control officers shall drive a marked vehicle.
4. Animal control officers must either be certified animal control officers when they are hired, or shall become certified Animal Control Officers within 12 months of their date of hire.
5. At the direction of the Smith County Commissioners Court or its designee, Smith County Animal Control may conduct patrols. However, in general Smith County Animal Control is primarily complaint driven in the enforcement of this Ordinance.
6. Smith County Animal Control should respond to complaints regarding Canines, which fall under this Ordinance. Animal Control, as provided in this ordinance or state law maintains the discretion to respond to calls under this Ordinance that do not pertain to Canines.
7. The order of response, if any, to calls under the Ordinance, is discretionary with Animal Control. With respect to animal control officers, the Animal Control Supervisor shall make final approval of decisions pertaining to response to calls.
8. All provisions of this Ordinance shall be enforced by the Smith County Animal Control in the exercise of his or her discretion, with final approval of any decisions by an Animal Control Officer to be made by the Animal Control Supervisor.
9. No provision in this Ordinance shall restrict the ability of an Animal Control Officer, acting pursuant to the discretion of the Animal Control Supervisor, to enforce provisions within Smith County.
10. All issues not specifically addressed in this Ordinance are discretionary with the Animal Control Supervisor, in compliance with all applicable laws, with final approval of any decisions by an Animal Control Officer to

be made by the Animal Control Supervisor.

11. The Smith County Animal Control Supervisor is designated as the Local Rabies Control Authority in accordance with *Texas Health and Safety Code, Section 826.017*, with all duties and responsibilities thereunder.

## **SECTION 2** **RUNNING AT LARGE**

1. The owner of an animal within the jurisdiction of Smith County shall not intentionally, knowingly, recklessly, or with criminal negligence allow or permit the animal to run or be at large within the County.
2. An Animal Control Officer may impound any animal observed to be at large, whether the Animal is on public or private property. If the Animal Control Officer observes an animal on property that is not owned or rented by the Owner of the Animal, and observes the animal return to property of its owner, the Animal Control Officer may impound the animal to prevent risk of health and safety to citizen(s) and/or issue a citation for the animal running at large.
3. Proof that an animal was found at large in violation of this section, together with proof that the defendant was the owner of the Animal at the time, is prima facie evidence that the defendant allowed or permitted the animal to be at large in violation of subsection.
4. Notarized voluntary statements will be permitted as evidence of an animal violating this ordinance if submitted with an attached date and time on the image or recording with credible proof the animal is owned by a citizen within Smith County.
5. This section shall not apply to a feline.

## **SECTION 3** **AUTHORITY TO IMPOUND OR DESTROY CERTAIN ANIMALS**

1. The Animal Control Supervisor or their designee are hereby authorized to:
  - A. Impound any stray animal found running at large within the County jurisdiction, any animal being kept in violation of this chapter;
  - B. Impound any animal, which is diseased and endangers thereby the health of a person or another animal.
  - C. Impound any animal which has bitten a human or which has acted in a vicious manner as described herein;
  - D. Destroy humanely, an animal posing an imminent danger to persons or property under circumstances of emergency, or an animal that has bitten or scratched a person above the shoulders.
  - E. Impound for treatment or, in the alternative, humanely destroy an animal that is injured to a degree presenting little or no likelihood of recovery.
  - F. Impound any animal pursuant to the arrest of the owner or person in control, if no person can be found to take immediate possession of the animal.
2. If an animal running astray is found on the premises of any person, the owner or occupant thereof shall have the right to confine the animal temporarily in humane fashion pending notification and response by the County of Smith Animal Control or other authority.

## **SECTION 4** **DISPOSITION OF IMPOUNDED ANIMALS**

1. Any Canine impounded pursuant to this chapter shall be held in safe and humane custody for a minimum of three (3) days after the time of impound prior to making any final disposition of the Canine.
2. The Canine shall become the property of the shelter facility after three (3) days of impoundment.
3. For purposes of this section a day means a 24 hour period beginning at the time of the day and on the date

on which the canine was taken into custody.

4. The shelter facility may humanely euthanize any Animal at any time prior to the expiration of the three (3) day impoundment period to prevent unnecessary suffering due to serious injury or disease, involved in an Animal Bite or if the Animal poses a risk to the health of any Person. This shall be approved by the combination of the Animal Control Supervisor and a Licensed Veterinarian.
5. After the required time period, in lieu of having an Animal euthanized, the shelter facility may release an Animal to a bona fide Animal welfare organization, a Person having no previous interest in the Animal, or any other Person or organization that the shelter facility Coordinator designates.
6. Upon release of the Animal the recipient shall be mandated to pay a fee as established by the shelter facility including but not limited to fees for adoption, Rabies inoculations, and sterilization costs.

## **SECTION 5**

### **OWNER'S DUTY TO REDEEM ANIMAL AND PAY COSTS OF IMPOUNDMENT**

1. As soon as practical, after the impoundment of any Animal, the shelter facility or County of Smith Animal Control shall make a reasonable effort to notify the Owner of the Animal's location, if the identity of the Owner is known. If needed to establish the identity of the Owner, information contained on any identification, Rabies, or license tag; or Microchip attached to the Animal, shall be used.
2. The Owner of any impounded Animal may be held responsible for all the costs of impoundment including medical treatment and boarding and such costs shall be fully paid prior to the release of the Animal.
3. It shall be unlawful for any Owner to fail to make arrangements for the redemption or surrender of any Animal impounded pursuant to the provisions of this chapter or to fail to pay any fees associated with the redemption or surrender of such Animal.
4. It shall be unlawful for any Owner to fail to reclaim their Animal from the Animal shelter.

## **SECTION 6**

### **LOCAL RABIES CONTROL AUTHORITY**

Pursuant to *Section 826.017 of the Texas Health and Safety Code*, the Smith County Animal Control shall be the Local Rabies Control Authority for the County. The duties of the Local Rabies Control Authority shall include but are not limited to: enforcement of all the Department of State Health Services rules that comprise the minimum standards for rabies control; enforcement of the ordinances and rules to Smith County; and enforcement of the rules adopted by the executive commissioner under the area rabies quarantine provisions of *Section 826.045 of the Texas Health and Safety Code*.

#### 1. VACCINATIONS:

- A. The Owner of a Domesticated Animal that is four (4) months of age or older and kept or Harbored in the County shall have the Domesticated Animal Vaccinated against Rabies by means of a Rabies vaccine licensed by the U.S. Department of Agriculture and administered by a Licensed Veterinarian and shall have each Domesticated Animal Vaccinated every three (3) years thereafter or pursuant to the *Texas Health and Safety Code, Chapter 826 and 25 Tex. Admin. Code, Chapter 169*
- B. Certificate of Vaccination: Upon vaccination, the veterinarian shall execute and furnish to the owner of the domesticated animal, as evidenced thereof, a certificate upon a form furnished by the veterinarian. Such certificate shall contain the following information:
  - i. Owner's name, address and telephone number;
  - ii. The animal's species, age, sex, size (in pounds), predominant breed and colors;
  - iii. Vaccine used, producer, expiration date, and serial number;
  - iv. The date of vaccination;
  - v. The rabies tag number; and

- vi. The veterinarian's signature or signature stamp and license number.
- C. Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian shall furnish a metal tag, serially numbered to correspond with the Vaccination Certificate number and bearing the year of issuance, the vaccination date, and the name and address of the issuing veterinarian. The owner of the domesticated animal shall cause the metal tag to be attached to the collar or harness of the vaccinated domesticated animal.
- D. The owner of a vaccinated domesticated animal shall exhibit the certificate of vaccination to any person charged with the enforcement of this order.

2. QUARANTINE OF ANIMALS:

- A. Pursuant to Texas State law, the Local Rabies Control Authority, or his or her designee is authorized to quarantine any animal when there is probable cause to believe that a Person may have been bitten or otherwise exposed to Rabies by that animal. (*Health and Safety Code, Section 826.042*)
- B. The owner of an animal that has been reported to have inflicted a bite or scratch that is reasonably capable of spreading rabies on any person, shall submit said animal for quarantine, as prescribed in this article and state law. Refusal to submit the animal for quarantine is a violation of law and each day that the owner of the animal refuses to submit the animal for quarantine is a separate violation.
- C. Any cost for quarantine or testing shall be the responsibility of the owner.
- D. A stray animal, or an animal whose owner cannot be located shall be confined at a Licensed Veterinarian for a reasonable time and if unclaimed may be destroyed and the brain of such Animal immediately submitted to a qualified laboratory for Rabies examination at the victim's expense or Quarantined according to the provisions of this section.
- E. Conditions of quarantine shall be determined by the Local Rabies Control Authority. The Local Rabies Control Authority shall determine whether confinement will be at a licensed veterinarian or on the premises of the owner. Such confinement will be at the owner's expense. During confinement, an Animal may be inspected at any time by an Animal Control Officer.
- F. A person shall not kill or remove from the County limits an Animal that has bitten a person or other animal, or that has been placed under quarantine without the approval of the Local Rabies Control Authority, except when it is necessary to kill the animal to protect the life of a person or other animal.

3. DOMESTIC ANIMALS EXPOSED TO RABIES:

- A. The owner shall immediately confine an animal that has been bitten by an animal that is suspected of being rabid and the owner shall promptly notify the Local Rabies Control Authority of the location where Animal is confined. (*Tex. Admin. Code, § 169.30*)
- B. Not currently vaccinated animals that have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall:
  - i. euthanized; or
  - ii. immediately Vaccinated against Rabies, placed in confinement for 90 days, and given a booster vaccinations during the third (3rd) and eighth (8th) weeks of confinement. For young Animals, additional vaccinations may be necessary to ensure that the Animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
- C. Currently Vaccinated Animals that have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid Animal shall:
  - i. euthanized; or
  - ii. immediately given a booster vaccination and placed in confinement for 45 days.
- D. The Owner shall not permit such Animal to come in contact with any Person or Animal until such time as

the requirements of state law regarding Rabies control are met.

4. RELEASE OR DISPOSITION OF QUARANTINED ANIMAL

- A. If, at the end of the Quarantine period, a veterinarian determines that an animal does not show clinical signs of Rabies, the veterinarian or Local Rabies Control Authority may release the Animal from Quarantine upon compliance with Vaccination requirements provide in *Texas Health and Safety Code, Section 826.043*
- B. If during the Quarantine period the Animal displays symptoms compatible with Rabies, the Animal shall be euthanatized and tested for Rabies according to state law.
- C. Licensed Veterinarians must report the results of all Rabies Quarantine observations to the Animal Control Officer immediately upon completion of the Quarantine period or upon determination that the Animal is showing signs of Rabies.

**SECTION 7**  
**ANIMAL CONTROL OFFICER AUTHORIZED TO ENFORCE**

The Animal Control Officer and his or her assistants and designees, are authorized to enforce the provisions of this chapter regulating Dangerous Canines and Dangerous Wild Animals and shall perform the duties of the Animal Control Authority under *Section 822 of the Texas Health and Safety Code*. A Person shall not interfere with, obstruct, resist, or oppose with an Animal Control Authority or any Law Enforcement enforcing this ordinance.

**SECTION 8**  
**REQUIREMENTS FOR OWNER OF DANGEROUS DOG**

*Texas Health and Safety Code, Chapter 822, Subchapter D*

- 1. A canine in the unincorporated areas of the County, that has been deemed a dangerous dog by Smith County Animal Control must be registered annually with the animal control authority. To obtain certificate of registration:
  - A. Owner must present proof of:
    - 1. Liability insurance or financial responsibility as required by *Health and Safety Code, § 822.042*;
    - 2. Current rabies vaccination of the dangerous dog; and
    - 3. The secure enclosure in which the dangerous dog will be kept.
  - B. Pays an annual fee of \$100 that includes:
    - 1. Registration tag,
    - 2. Inspection,
    - 3. Signs, and
    - 4. Certificate
- 2. A Canine in the County that is determined by the Smith County Animal Control to be a Dangerous Dog shall be subject to the requirements and restrictions as provided in *Chapter 822 of the Texas Health and Safety Code Subchapter D, Dangerous Dog*, including, but not limited to, obtaining liability insurance coverage or showing financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the Dangerous Dog causing Bodily Injury to a Person and providing proof of the required liability insurance coverage or financial responsibility to an Enforcement Officer.
- 3. In addition to the requirements under *Section 822.041 of the Texas Health and Safety Code*, the Owner of a Canine that has been determined to be a Dangerous Dog by the Smith County Animal Control and Shelter Supervisor

shall ensure that:

- a. the Canine wears at all times a collar and attached registration tag;
  - b. the Canine, when taken outside the enclosure is required to be securely restrained at all times in the immediate control of a person by a substantial chain or cable leash not more than four (4) feet in length;
  - c. a sign is posted on the Premises where the Animal is located or kept bearing letters not less than one (1) inch high warning that there is a Dangerous Dog on the property. The sign, or multiple signs, if necessary, shall be prominently displayed on the property, easily visible and capable of being read from each public street or highway adjacent to the property;
4. If the owner of a dog that has been previously been determined to be a dangerous do, sells or moves the dog to a new location within Smith County, the owner shall notify, within 14 days the Smith County Animal Control authority for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of \$25, the animal control authority shall issue a new registration tag to be placed on the dangerous dog's collar. Any Dangerous Dog found at large after the Owner has previous knowledge or notice that such dog is dangerous may be captured, impounded and humanely euthanized with or without notifying the Owner.

## **SECTION 9** **WILD, EXOTIC, OR DANGEROUS ANIMALS**

*Tex. Health and Safety Code, Chapter 822, Subchapter E*

As described in *Texas Health and Safety Code, Chapter 822, Subchapter E* definitions "Dangerous wild animal" means: 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.

### 1. APPLICABILITY OF SUBCHAPTER.

- a. This subchapter does not apply to:
  - i. a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;
  - ii. a research facility, Animal Welfare Act (*7 U.S.C. Section 2132*), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;
  - iii. an organization that is an accredited member of the Association of Zoos and Aquariums;
  - iv. an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;
  - v. an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Texas Parks and Wildlife Code;
  - vi. a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:
    1. the animal is used as an integral part of the circus performances; and
    2. the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;
  - vii. a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;
  - viii. a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

- ix. a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments and the regulations adopted under that Act;
- x. a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments;
- xi. a dangerous wild animal that is:
  - 1. owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species; and
  - 2. an integral part of that species survival plan; and
- xii. This subchapter does not require a municipality that does not have an animal control office to create that office.

2. CERTIFICATE OF REGISTRATION; FEES.

- a. A person may not own, harbor, or have custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency.
- b. A certificate of registration issued under this subchapter is not transferrable and is valid for one year after its date of issuance or renewal unless revoked.
- c. The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant is \$20 for each animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this subchapter.

3. CERTIFICATE OF REGISTRATION APPLICATION.

- a. An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with an animal registration agency on a form provided by the animal registration agency.
- b. The application must include:
  - i. the name, address, and telephone number of the applicant;
  - ii. a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;
  - iii. the exact location where each animal is to be kept;
  - iv. a sworn statement that:
    - 1. all information in the application is complete and accurate; and
    - 2. the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; and
    - 3. any other information the animal registration agency may require.
- c. An applicant shall include with each application:
  - i. the nonrefundable fee;
  - ii. proof, in a form acceptable by the animal registration agency, that the applicant has liability insurance, as required by *Section 822.107*;
  - iii. a color photograph of each animal being registered taken not earlier than the 30th day before the date the application is filed;
  - iv. a photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and



- v. if an applicant holds a Class "A" or Class "B" dealer's license or Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments, a clear and legible photocopy of the license.
  - d. In addition to the items required under Subsection (c), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the veterinarian:
    - i. inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and
    - ii. finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this subchapter.
4. DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION; APPEAL.
- a. If the animal registration agency finds that an application for an original or renewal certificate of registration under this subchapter does not meet the requirements of *Section 822.104* or, after inspection, that an applicant has not complied with this subchapter, the animal registration agency shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.
  - b. If the animal registration agency finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with this subchapter, the animal registration agency shall revoke the certificate 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 or the municipal court in the municipality 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 or municipal court to a county court or county court at law in the county in which the justice or municipal court is located. The decision of the county court or county court at law may not be appealed.
  - d. The filing of an appeal of the denial or revocation of a certificate of registration under Subsection (c) stays the denial or revocation until the court rules on the appeal.
5. DISPLAY OF CERTIFICATE OF REGISTRATION.
- 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. 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 Department of State Health Services. The executive commissioner shall establish a procedure for filing a certificate of registration and by rule shall establish a reasonable fee to be collected by the department in an amount sufficient to recover the cost associated with filing a certificate of registration under this subsection.
6. LIABILITY INSURANCE. An owner of a dangerous wild animal shall maintain liability insurance coverage 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.
7. INSPECTION. An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this subchapter.
8. RELOCATION OR DISPOSITION OF ANIMAL.

- a. An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies the animal registration agency in writing of the exact location to which the animal will be relocated and provides the animal registration agency, with respect to the new location, the information required by *Section 822.104*.
- b. Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing of the death, sale, or other disposition.

9. ATTACK BY ANIMAL; ESCAPE OF ANIMAL; LIABILITY.

- a. An owner of a dangerous wild animal shall notify the animal registration agency of any attack of a human by the animal within 48 hours of the attack.
- b. An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal.
- c. An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.
- d. An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild 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.

10. POWERS AND DUTIES; CAGING REQUIREMENTS AND STANDARDS.

- a. The Animal Control Authority will enforce all rules established by the executive commissioner, as defined in Section 822.101(4-a), regarding caging requirements and standards for the keeping and confinement of a dangerous wild animal to ensure that the animal is kept in a manner and confined in a primary enclosure that:
  - i. protects and enhances the public's health and safety;
  - ii. prevents escape by the animal; and
  - iii. provides a safe, healthy, and humane environment for the animal.
- b. An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the executive commissioner.
- c. An animal registration agency may approve a deviation from the caging requirements and standards established by the executive commissioner, only if:
  - i. the animal registration agency has good cause for the deviation; and
  - ii. the deviation:
    - 1. does not compromise the public's health and safety;
    - 2. does not reduce the total area of the primary enclosure below that established by the executive commissioner;
    - 3. does not otherwise adversely affect the overall welfare of the animal involved; and
    - 4. approved by a licensed veterinarian not employed, engaged with, involved with, or contract with the applicant or registrant.

11. CARE, TREATMENT, AND TRANSPORTATION OF ANIMAL.

- a. For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments and the regulations adopted under that Act relating to:
  - i. facilities and operations,
  - ii. animal health and husbandry; and
  - iii. veterinary care.
- b. An owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care and shall make the log available to the animal

registration agency or its agent on request. The log must:

- i. identify the animal treated;
  - ii. provide the date of treatment;
  - iii. describe the type or nature of treatment; and
  - iv. provide the name of the attending veterinarian, if applicable.
- c. When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments or the regulations adopted under that Act.
- d. A person is exempt from the requirements of this section if the person is caring for, treating, or transporting an animal for which the person holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (*7 U.S.C. Section 2131 et seq.*) and its subsequent amendments.

#### 12. OFFENSE AND PENALTY.

- a. A person commits an offense if the person violates *Section 822.103(a)*, *Section 822.106*, or *Section 822.110(a) or (b)*. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.
- b. A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this subchapter.
- c. An offense under this section is a Class C misdemeanor.

#### 13. CIVIL PENALTY.

- a. A person who violates *Section 822.103(a)* 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.
- b. The County in which the violation occurs may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county.
- c. The county in which the violation occurs may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for the animal registration agency's expenditures was made.

#### 14. INJUNCTION BY SMITH COUNTY.

- a. In addition or in alternative, upon receiving information from Animal Control that there is a threat of violation of these Rules and Regulations or that a violation is occurring, the Smith County Commissioners Court may authorize the filing of an action in a District Court to enjoin a violation or threatened violation of these Rules and Regulations and to obtain injunctive relief as the facts may warrant. If an immediate threat of public health and safety exists because of the failure to comply with minimum caging or sanitation requirements, Smith County 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.
- b. Injunction by person harmed or threatened with harm. In addition or in the alternative, a person who is directly harmed or threatened with harm by a violation of or failure to enforce these Rules and Regulations or *Chapter 822, Subchapter E of the Texas Health and Safety Code*, may sue an owner of a dangerous wild animal to enjoin a violation of these Rules and Regulations or *Chapter 822, Subchapter E of the Texas Health and Safety Code* or to enforce these Rules and Regulations or *Chapter 822, Subchapter E of the Texas Health and Safety Code*.

15. EXCEPTION

- a. Unless otherwise required by State Law, and not subject to any other provision herein, the Smith County Animal Control may waive or otherwise reduce any fee associated with this subsection upon good cause shown.

**SECTION 10**  
**ADOPTIONS**

1. An individual may adopt an animal from the Smith County Animal Shelter under the following conditions
  - a. The animal has been classified as adoptable by the Smith County Animal Shelter;
  - b. The prospective adopter has the proper facilities to care for the animal;
  - c. The prospective adopter passes a soft background check; and
  - d. The adoption fee is paid
2. The Smith County Animal Shelter shall obtain the necessary proof of Rabies vaccination and proof of Sterilization within 30 days of the adoption. It shall be the responsibility of the Person adopting to provide the Smith County Animal Shelter the proof of vaccinations and Sterilization. *(Texas Health and Safety Code, Chapter 828)*
3. The County of Smith is not liable for the disposition of any adopted animal.

**SECTION 11**  
**FEES, PENALTIES, AND VIOLATION FEE SCHEDULE**

	Fee	Unit	Authority	Comments and Notes
Boarding & Handling Fee for Impounded (Cruelty Housing)	\$15	Per day per dog	Ag. Code 142.010	To be paid before animal may be released, paid in addition to Impoundment of Animal Fee if Impoundment has been implemented
Impoundment (Reclaim) Fee - 1st Time	\$25.00	Per Animal	Health & Safety 826.033 ( c )	To be paid before the animal may be released
Impoundment (Reclaim) Fee - 2nd Time	\$50.00	Per Animal	Health & Safety 826.033 ( c )	To be paid before the animal may be released
Impoundment (Reclaim) Fee - 3rd Time	\$75.00	Per Animal	Health & Safety 826.033 ( c )	To be paid before the animal may be released
Impoundment (Reclaim) Fee - 4th Time	\$100.00	Per Animal	Health & Safety 826.033 ( c )	To be paid before the animal may be released

Adoption Fee on Unsterilized Dogs	\$30.00	Per Animal	Health & Safety 828	Included in adoption DAPPV, Pyrantel, Cap star, Microchip, Heartworm Results, parvo test, 30 days pet health insurance
Adoption Fee on Sterilized Dogs	\$50.00	Per Animal	Health & Safety 828	Included in adoption DAPPV, Pyrantel, Cap star, Microchip, Heartworm Results, parvo test, 30 days pet health insurance
Rescue Fee	\$10.00	Per Animal	Health & Safety 828	Included with rescue fee DAPPV, Pyrantel, Cap star, Microchip, Heartworm Results, parvo test
Microchips	\$10.00	Per Animal		Anyone can bring their animal in to get a microchip and register it
Inspection of Dangerous Animal	\$100.00	Per Facility Per Year	Health & Safety 822.108	Inspection of Facility/residence of where the dangerous animal resides
Dangerous Wild Animal Registration Fee	\$20.00	Per Animal Per Year	Health & Safety 822.103 ( c )	For Application, issuance, or renewal of certification of registration of dangerous wild animal
Dangerous Dog	\$100.00	Per Dog Per Year	Health & Safety 822.043	Annual fee for the registration of a dangerous dog which includes a registration tag, inspection, signs, and certificate
Returned Checks	\$30.00	Not less than \$15	LGC 118.141	For Checks paid to the county and returned by the bank

1. If there is an identifiable owner of the dog, then the owner must pay all applicable fines, fees, and costs associated with the enforcement of this Ordinance.
2. If no identifiable owner exists, then the county may pay any applicable costs or fees associated with the enforcement of the Ordinance, at its discretion. If, at a later time, an owner is identified, the county may seek reimbursement and/or collection of any applicable fees, costs and fines from said owner.

**SECTION 12**  
**ANIMAL SHELTER ADVISORY COMMITTEE**

1. Regular, voting committee members. There is hereby created in and for the County a board to be known as the "Smith County Animal Shelter Advisory Committee" which shall be composed of at least four (4) regular voting members who shall serve without compensation and who shall be appointed by the Commissioners Court. They must submit an application to the commissioner court and the term is for 2 years then must roll off and/or reapply. Pursuant to State law, membership shall include at least 1) one Licensed Veterinarian; 2) one county official; 3) one Person whose duties include the daily operation of an animal shelter; 4) one representative from an animal welfare organization.
2. Purpose and authority. The Animal Shelter Advisory Committee shall serve in an advisory committee, and shall make non-binding recommendations to the County Staff in complying with Texas Health and Safety Code Chapter 823 or successors, as amended. The committee may also make recommendations to the County Staff in connection with the operation of the animal shelter, as well as such other animal welfare matters as may be required by the County Staff. For purposes of this Article, the term "animal shelter" shall mean the animal shelter owned and operated by the County of Smith.
3. The Animal Shelter Advisory Committee shall meet at least three (3) times annually

**SECTION 13**  
**ADDITIONAL PROVISIONS**


1. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.
2. This Ordinance does not affect the applicability of any other law, rule, order, ordinance, or other valid legal requirement of the State of Texas or an applicable political subdivision of the State of Texas, and this Ordinance shall not grant any greater rights than allowed by the laws of the State of Texas.
3. The Commissioners Court of Smith County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.
4. The promulgation and establishment of these regulations by the Smith 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 the said corporate municipalities shall supersede the County Ordinance within the municipality so that dual enforcement will not occur.
5. It is a violation of this Ordinance for any person to make a false report or complaint regarding a violation of this Ordinance to Smith County Animal Control.
6. Fines, costs, and fees retained by the county under this Ordinance shall be deposited in the treasury of the County and may be used only to defray the cost of administering these regulations.
7. An offense under this Ordinance is a Class C Misdemeanor.
8. No payment of fines or fees under this Ordinance shall relieve an owner or harbored of any dog from the jurisdiction of any court over any matter or violation of law.

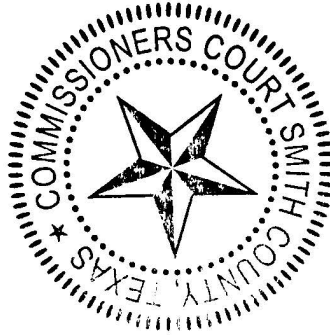
**SECTION 14**  
**EFFECTIVE DATE**

These Rules and Regulations become effective on the 29th day of June, 2021.

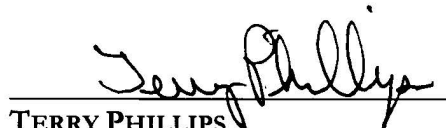
Passed and Approved on this the 29th day of JUNE, 2021.

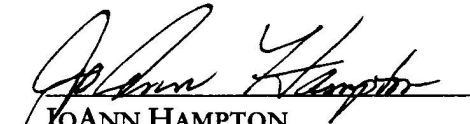
ABSENT  
NATHANIEL MORAN  
COUNTY JUDGE

  
NEIL FRANKLIN  
COMMISSIONER, PRECINCT 1



  
CARY NIX  
COMMISSIONER, PRECINCT 2

  
TERRY PHILLIPS  
COMMISSIONER, PRECINCT 3

  
JOANN HAMPTON  
COMMISSIONER, PRECINCT 4

ATTEST:   
KAREN PHILLIPS, COUNTY CLERK