

**MONTGOMERY COUNTY
RABIES CONTROL
AND
ANIMAL RESTRAINT
ORDINANCE**

SECTION I. AUTHORITY AND PURPOSE

These rules are promulgated pursuant to and in conformity with statutory authority granted to the Montgomery County Commissioners Court pursuant to Chapters 822 and 826 of the Texas Health & Safety Code. It is the purpose of the Commissioners Court of Montgomery County to impose reasonable and uniform rules for rabies control and restraint of dogs and cats in Montgomery County.

SECTION II. DEFINITIONS

For purposes 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 word “shall” is mandatory. The words “animal,” “cat,” “dog,” “quarantine,” “rabies,” “licensed veterinarian,” “vaccinated” and “currently vaccinated” shall have the same meaning as provided by or used in the Rabies Control Act of 1981, promulgated at Chapter 826 of the Texas Health and Safety Code, and the Rules of the Texas Department of Health, promulgated pursuant to the Rabies Control Act of 1981.

- A. “Animal Control Officer” means the person or persons employed by Montgomery County in its Animal Control Department to enforce these rules.
- B. “Bite” means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.
- C. “Certificate” means a certificate bearing the signature of a licensed veterinarian, rabies tag number, the name, color, sex, species, age and breed of a dog or cat, the name and address of the owner, the date of the vaccination, the date, serial number, producer and type of vaccine administered, and such other information as required by the minimum standards for vaccination certifications approved by the Texas Board of Health, in accordance with TX. HEALTH & SAFETY CODE § 826.021(b).
- D. “Custodian” means a person who feeds, shelters, harbors or has possession or control, or has the responsibility to control, a dog or cat.

- E. “Dangerous dog” means any dog that has been deemed dangerous under the provisions of Chapter 822, Subchapter D of the Texas Health & Safety Code.
- F. “Exposed to rabies” means bitten by, fought with or consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.
- G. “Impound” means apprehend, catch, trap, net, tranquilize or confine.
- H. “Impounding facility” means any premises designated by Montgomery County for the purpose of impounding, destroying, or caring for animals found in violation of these rules.
- I. “Local Rabies Control Authority” means the person duly appointed by the Montgomery County Commissioners Court to supervise the enforcement of these rules.
- J. “Owner” means any individual, corporation, association or any other legal entity that harbors, shelters, keeps, controls, manages, possesses or has part interest in any animal subject to these rules. The occupant of any premises on which a dog or cat, or other animal, remains for a period of seven (7) days, or to which it customarily returns for a period of seven (7) days, is presumed to be harboring, sheltering or keeping the aforementioned animal, within this definition.
- K. If a minor owns a dog or cat or other animal subject to the provisions of these rules, any adult occupant of the household of which such minor is a member shall be deemed to be the owner or custodian of such dog or cat or other animal for the purpose of these rules and shall be held responsible as the owner or custodian. If not a member of a household, such minor owner shall himself be directly subject to the provisions of these rules.
- L. “Registered” means registered with the Montgomery County Animal Control Department.
- M. “Restraint” means the control of an animal under any of the following circumstances:
 - a. When it is controlled by a lead, line or leash that is secured to a secure object or held by a person who is capable of controlling and governing the animal in question (See Subsection K. of this Section 1. concerning minors.);
 - b. When it is within a fully enclosed vehicle;
 - c. When it is on the premises of the owner and/or custodian;
 - d. When it is restrained securely within an enclosure or fence; or
 - e. When it is under the physical control of the owner or custodian.
- N. “Stray” means any dog or cat running free from the owner’s or custodian’s premises or control without restraint.

SECTION III. LOCAL RABIES CONTROL AUTHORITY

- A. The Montgomery County Animal Control Supervisor is hereby designated as the Local Rabies Control Authority for purposes of these rules.

- B. The Local Rabies Control Authority or his designee shall have the duty to enforce:
 - 1. The Rabies Control Act of 1981, TX. HEALTH & SAFETY CODE §§ 826.001, *et seq.* and amendments thereto;
 - 2. The rules of the Texas Board of Health which comprise the minimum standards for rabies control in the State of Texas;
 - 3. The Montgomery County Rules to control rabies adopted herein; and
 - 4. The rules adopted by the Texas Board of Health concerning quarantine provisions of the Rabies Control Act of 1981.

- C. Failure by an owner of a dog or cat to have the animal vaccinated against rabies or quarantined, as required herein, shall subject the owner to citation and punishment in accordance with TX. HEALTH & SAFETY CODE § 826.022 and § 826.046.

SECTION IV. RESTRAINT AND IMPOUNDMENT

- A. All dogs and cats shall be kept under restraint, as defined in Section II., Subsection M. above.

- B. The owner or custodian of every dog or cat shall be held responsible for the behavior of his animal and, thereby, responsible for any violation of these rules or applicable provisions of Chapters 822 and 826 of the Texas Health & Safety Code.

- C. The Local Rabies Control Authority or his designee shall be authorized by these rules to catch, confine and impound the following:
 - 1. All stray dogs and cats whether or not vaccination tags are displayed;
 - 2. Any animal, whether domesticated, wild, or stray, which has bitten or scratched a person, has bitten or scratched another animal, or is suspected of having rabies or having been exposed to rabies; and
 - 3. Any dangerous dog that is improperly secured or unregistered, as required by Subsection N. of this Section IV.

- D. All animals picked up under these rules shall be impounded in the impounding facility.

- E. The Local Rabies Control Authority or his designee shall be authorized to enter upon any public highway, street, alley, court, square, park or sidewalk or any other public grounds in order to seize any stray dog or cat. The Local Rabies Control Authority or his designee shall be authorized to enter upon any private property to seize a stray dog or cat:
 - 1. With permission of the occupant or owner thereof;
 - 2. With a valid warrant authorizing such entry;
 - 3. In an emergency under the auspices of a commissioned law enforcement officer; or
 - 4. Under exigent circumstances in which a pursuing Animal Control Officer has actually observed a dog or cat to be free-roaming and the officer believes it is necessary to immediately act to seize the animal in order to protect or prevent injury to a person, property or another animal.

- F. Any person may collect and deliver to an Animal Control Officer any stray dog or cat for which the Animal Control Officer has authority to seize.
- G. Any dog or cat found straying upon private property may be collected by the owner of said private property and delivered to an Animal Control Officer.
- H. When a stray dog or cat is seized by an Animal Control Officer or a commissioned peace officer and the officer can identify the owner or custodian, the officer has discretion to:
 - 1. Impound the animal;
 - 2. Return the animal to the owner or custodian and cite the custodian or owner of the animal to appear in a justice of the peace court to answer charges of violation of these rules; or
 - 3. Impound the animal and cite the custodian or owner of the animal to appear in a justice of the peace court to answer charges of violation of these rules.
- I. It shall be the duty of the Local Rabies Control Authority or his designee to deposit all living animals to be impounded with the impounding facility.
- J. All dogs or cats delivered to an impounding facility under these rules shall remain impounded therein, unless claimed and redeemed, for a period of at least ninety-six (96) hours (excluding weekends and holidays), beginning at five o'clock p.m. (5:00 p.m.) on the day the animal is collected by or delivered to the Animal Control Department. At the expiration of that time, impounded animals that are not claimed and redeemed by the owner or custodian may be put up for adoption, sold or humanely destroyed. All actions involving the care and disposition of animals impounded at the impounding facility shall be consistent with the requirements of the Animal Welfare Act (7 U.S.C. §§ 2131, *et seq.*).
- K. The owner or custodian of any impounded dog or cat may claim and redeem their animal prior to its sale, adoption or other disposition during regular business hours of the impounding facility. No animal may be claimed or redeemed without proof of current vaccination or payment of applicable vaccination fees. Fees for redemption of animals shall not exceed those set out in the fee schedule attached to these rules and incorporated herein for all purposes; provided, however, these fees may be changed from time-to-time with approval of the Commissioners Court.
- L. No person shall interfere with, hinder or molest any Animal Control Officer, or other party designated by the Local Rabies Control Authority or his designee, in the performance of any duty delegated hereunder, or seek to release any animal taken and held in custody under the provisions of these rules, except as provided herein.
- M. Failure to comply with these rules on animal restraint shall subject the owner or custodian of the unrestrained animal to citation and punishment in accordance with Tx. Health & Safety Code § 826.034.
- N. Every dog that has been deemed to be a dangerous dog shall be confined in an enclosed structure of not less than six (6) feet in height. Such structure, if made of wire, shall be no

less than nine (9) gauge. The enclosure shall be secured at all times by a locking device capable of preventing the animal from escaping the enclosure without control of the owner or his designee. The dangerous dog shall be registered in accordance with § 822.042 TX. HEALTH & SAFETY CODE. Failure to register or secure a dangerous dog as required herein will subject the owner of the animal to criminal penalties prescribed by TX. HEALTH & SAFETY CODE § 822.035 and § 826.045.

SECTION V. VACCINATIONS

The owner or custodian of every dog or cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981, Chapter 826, Subchapter C. of the Texas Health & Safety Code, and the rules of the Texas Board of Health, and amendments thereto. Failure to vaccinate a dog or cat against rabies shall subject the owner or custodian of the unvaccinated animal to punishment prescribed by § 826.022 TX. HEALTH & SAFETY CODE.

SECTION VI. RABIES CONTROL AND QUARANTINE

When a dog or cat that has bitten a human has been identified, the owner or custodian shall place the animal in quarantine, as required by the Rabies Control Act of 1981, § 826.042 TX. HEALTH & SAFETY CODE, and the rules of the Texas Board of Health, and amendments thereto.

Signed and entered into this _____ day of _____, 2004.

Alan B. Sadler, County Judge

Mike Meador, Commissioner Precinct 1

Craig Doyal, Commissioner Precinct 2

ATTEST:

Ed Chance, Commissioner Precinct 3

Mark Turnbull, County Clerk

Ed Rinehart, Commissioner Precinct 4