



# BEXAR COUNTY COMMISSIONERS COURT

## PUBLIC WORKS DEPARTMENT Environmental Services

### COURT ORDER

ORDER authorizing the approval of an updated Commissioner's Court Order "An Order Establishing Animal and Rabies Control Authority within the Unincorporated Areas of Bexar County" to replace the September 17, 2013 Commissioner's Court Order of the same name.

PASSED THIS 20<sup>th</sup> DAY OF January, 2015.

## Commissioners Court Order

### AN ORDER ESTABLISHING ANIMAL AND RABIES CONTROL AUTHORITY WITHIN THE UNINCORPORATED AREAS OF BEXAR COUNTY

January 2015

**WHEREAS**, Chapters 821, 822, 823, 826 and 829, of the TEXAS HEALTH AND SAFETY CODE, and Section 285 of the TEXAS TRANSPORTATION CODE provide counties with authority to enforce state laws and rules and enact and enforce local laws and rules concerning animal control in the unincorporated areas of the County; and

**WHEREAS**, Bexar County wishes to rescind and replace Commissioners Court Order, “AN ORDER ESTABLISHING ANIMAL AND RABIES CONTROL AUTHORITY WITHIN THE UNINCORPORATED AREAS OF BEXAR COUNTY” dated September 17, 2013 with the following; and

**WHEREAS**, Bexar County has provided for an Animal Control department that will address animal control issues in the unincorporated areas of the County; and

**WHEREAS**, the Bexar County Sheriff will remain responsible for all animal control investigations and enforcement of rules and regulations against animal cruelty, neglect, dangerous animals, animal fighting, illegal animal breeding and animal hoarding activities; and

**WHEREAS**, the Commissioners Court of Bexar County, Texas wishes to adopt an order pursuant to TEXAS HEALTH AND SAFETY CODE Chapters 821, 822, 823, 826 and 829 and TEXAS TRANSPORTATION CODE Section 285 for the benefit of the health, safety and welfare of the citizens in the unincorporated areas of Bexar County, Texas;

NOW THEREFORE BE it ordered by the Commissioners Court of Bexar County as follows:

#### **SECTION I** **IN GENERAL**

**1.1. Definitions** The following definitions shall apply in the interpretation and enforcement of this Court Order:

**1.1.1. Abandon** shall mean to leave an animal in such a way that the STANDARDS OF CARE Section 1.4 are not being met. Abandoning an animal is animal cruelty and/or illegal dumping.

- 1.1.2. Animal** shall mean any living vertebrate or invertebrate, domestic or wild, not including man.
- 1.1.3. Animal Bite** shall mean an injury from an animal's teeth or claws (usually a dog or cat but can also include a bat, fox, coyote, raccoon, or skunk), to a human that breaks the skin. Such injuries must be documented by the victim or medical personnel on a bite report and usually results in quarantining of the animal.
- 1.1.4. Animal care facility** shall mean any facility maintained and operated for the impoundment, care, disposition and/or adoption of animals. Within this Order this term refers animal care facilities used by Bexar County Animal Control.
- 1.1.5. Animal Control Officer** shall mean a person designated by the state, or the County, who is qualified to perform such duties under the laws of this state.
- 1.1.6. Animal licensing** shall mean the assignment by the Director or designated representative of a number to each animal for whom the appropriate fee has been paid and who has been vaccinated with anti-rabies vaccine.
- 1.1.7. Animal rescue facility** means any recognized rescue organization which is currently registered with the Department.
- 1.1.8. Commercial boarding kennel** shall mean any place other than a veterinary hospital where the property owner, tenant, or occupant keeps or allows others to keep or board any domestic animal for a fee, donation or non-monetary reward.
- 1.1.9. Confined** shall mean a situation by which an animal is effectively prevented from being free to roam or run at large at will.
- 1.1.10. County** shall mean the County of Bexar.
- 1.1.11. Cruel Treatment** includes torture, serious overwork, unreasonable abandonment, unreasonable deprivation of necessary food, water, care or shelter, neglect or failure to render necessary medical care, unreasonable confinement or being caused to fight with another animal.
- 1.1.12. Dangerous Dog** shall mean a dog that:
- 1.1.12.1.** 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
  - 1.1.12.2.** 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 he 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.
- 1.1.13. Department** shall mean Bexar County Public Works Environmental Services.
- 1.1.14. Director** shall mean the Director of Bexar County Public Works.
- 1.1.15. Dog** shall mean any member of *Canis familiaris* or any combination of *Canis familiaris* and other canine species including both genders.

- 1.1.16. Domestic dog** shall mean a member of *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species.
- 1.1.17. Domestic animal** shall mean any animal which is not prohibited, and commonly kept as pets at the owner's residence, including but not limited to domestic cats and dogs, domestic ferrets, rabbits, and domestic fowl.
- 1.1.18. Domestic cat** shall mean any member of *Felis domesticus*.
- 1.1.19. Domestic fowl** shall mean birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including but not limited to ducks, geese, chickens, turkeys, partridges, parakeets and pigeons.
- 1.1.20. Enclosure:** shall mean a fenced area or structure, no smaller than 10'X10' that is locked or secured in such a way that it is reasonably expected to keep an animal contained in that area.
- 1.1.21. Euthanasia** shall mean the humane destruction of an animal by trained personnel administering sodium pentobarbital or other method approved by the Texas Board of Health and in accordance with accepted procedures and standards of the American Veterinary Medical Association.
- 1.1.22. Grooming shop** shall mean a commercial establishment (structure or vehicle) where animals are bathed, clipped, plucked or otherwise groomed.
- 1.1.23. Impound** shall mean the placing of an animal into an animal care facility, or, the taking into custody of an animal for purposes of transportation to the animal care facility.
- 1.1.24. Keeper** means any person, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal control related Orders.
- 1.1.25. Livestock** shall mean any equine, hog, sheep, goat, llama, or any bovine species.
- 1.1.26. LRCA:** Local Rabies Control Authority
- 1.1.27. Owner of an animal** shall mean any person owning or having care, custody, possession or control of an animal. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Order.
- 1.1.28. Owner or Home Quarantine** shall mean the isolation of an animal suspected of carrying an infectious or contagious disease (usually rabies) by the owner of the animal at the owner's residence usually for, but not limited to, a period of 10 days (240 hours) under the direction of the LRCA.
- 1.1.29. Owner surrender** shall mean to permanently give up the care, custody, possession, control, and authority of an animal to a representative of Bexar County, including but not limited to Bexar County Animal Control.
- 1.1.30. Pet** shall mean any animal kept for pleasure or enjoyment, rather than utility or commercial purposes.

- 1.1.31. Pet shop** shall mean a business establishment, whether licensed or not by the department, where animals including, dogs, cats, fish, birds, reptiles, or rodents are kept for sale or commercial barter.
- 1.1.32. Prohibited animals** shall mean:
- 1.1.32.1.** Any ape or other non-human primate (with the exception of service or helper monkeys registered with Bexar County);
  - 1.1.32.2.** Any member of the genus *Canis* including wolf, hybrid wolf, coyote, jackal or fox, and similar species except *Canis familiaris*;
  - 1.1.32.3.** Any member of the genus *Felis* including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except *Felis domesticus*;
  - 1.1.32.4.** Mustelids; other than the domestic ferret (*Mustela putorius furo*);
  - 1.1.32.5.** Skunk;
  - 1.1.32.6.** Any poisonous reptile or venomous species except bees
  - 1.1.32.7.** Crocodile, alligator, caiman or related species;
  - 1.1.32.8.** Ostrich or any other Ratites;
  - 1.1.32.9.** Bear; and
  - 1.1.32.10.** All other mammals that live in a natural state of undomesticated freedom including the opossum, raccoon, armadillo and squirrel.
- 1.1.33. Public Place:** Any location where it is reasonable to assume that the general public can congregate.
- 1.1.34. Quarantine** shall mean the detention or isolation of an animal suspected of carrying an infectious or contagious disease (usually rabies and usually for a period of 10 days – 240 hours).
- 1.1.35. Rabies vaccination** shall mean a protective inoculation by a licensed veterinarian with a rabies vaccine recognized and approved by the United States Department of Agriculture given in an amount sufficient to provide an immunity that satisfies the requirement of state law.
- 1.1.36. Restraint** shall mean a situation whereby an animal is secured by a tether, a leash or a lead, or is confined within the real property of its owner.
- 1.1.37. Responsible person** shall mean a person to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands.
- 1.1.38. Roadside sales** shall mean to sell, give away, raffle, or transfer items by a vendor of food or merchandise, including live animals; or the erection, maintenance, or placement of a structure by a vendor of food or merchandise, including live animals that occurs on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot adjacent to a public highway, road, or right-of-way.
- 1.1.39. Run at large** shall mean to be free of restraint while outside the boundaries of the real property of the owner.

- 1.1.40. Secure Enclosure** means a fenced area (no smaller than 10'X10') or structure that is locked, capable of preventing entry by the general public, including children, capable of preventing escape or release of a dog, clearly marked as containing a dangerous dog, and in conformance with the enclosure requirements established by the local animal control authority.
- 1.1.41. Bodily Injury** means any contact that leaves a bruise or mark.
- 1.1.42. Serious Bodily Injury** means an injury characterized by severe bite wounds or severe ripping or tearing of muscle that would cause a reasonably prudent person to seek professional medical treatment and would require hospitalization, without regard to whether the person actually sought such treatment.
- 1.1.43. Shelter** shall mean an area with sufficient covering and side walls that is adequately sized for the animal (i.e., will allow the animal, to stand and turn around unencumbered) and will provide protection from the elements. This area must have a floor or area that is elevated enough to keep the animal dry. Shelter must be maintained sufficiently to provide sanitary, healthy condition to protect the animal from the elements.
- 1.1.44. Shade** shall mean an awning, covering, shelter, or shade tree sufficient to provide shade and ventilation during hot humid weather of an ambient temperature of 85 degrees or hotter.
- 1.1.45. Temporary owner** shall mean an individual who finds a stray animal, has the animal for fewer than thirty (30) days and attempts to find the true owner of the animal. When the owner cannot be found, a temporary owner then will find a new home for the animal.
- 1.1.46. Unincorporated County** shall mean the unincorporated areas of Bexar County. This term specifically excludes any lots, land, properties, etc., regardless of ownership that are within a city's incorporated limits.
- 1.1.47. Unprovoked animal attack** means an attack by an animal that was not hit, kicked, struck, or seriously taunted by a person with any object or body part nor was any part of the animal's body pulled, pinched or squeezed by the person or animal that was attacked.
- 1.1.48. Vaccination certificate** shall mean a document showing on its face that the animal described thereon has received a current inoculation of rabies vaccine in an amount sufficient to produce an immunity that satisfies the requirement of state law, inscribed with the date of the inoculation, the duration of immunity approved for that vaccine, the name and address of the animal's owner, all other information required by state law and signed by a licensed veterinarian.
- 1.1.49. Veterinarian** shall mean a person licensed to practice veterinary medicine in the state.

**1.1.50. Veterinary hospital** shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis of and treatment of diseases and injuries of animals.

**1.1.51. Wild animal** shall mean shall mean any nonhuman primate, raccoon, skunk, fox, wolf, leopard, panther, tiger, lion, lynx, bobcat, other warm-blooded animals or any poisonous or dangerous snake which is living in a state of undomesticated freedom and is not registered with the County pursuant to PROHIBITED ANIMALS Section 1.12.

## **1.2. Cruelty to animals.**

**1.2.1.** Cruelty to livestock and non-livestock animals, excluding uncaptured wild living creatures, is a violation of the TEXAS PENAL CODE Sections 42.09 and 42.092, respectively, and depending on the circumstances, is a Class A misdemeanor, state jail felony, or a felony of the third degree.

**1.2.2.** It shall be a violation of this Order for a person to intentionally, knowingly or recklessly beat, cruelly treat, overload, fail to meet STANDARDS OF CARE Section 1.4, or otherwise abuse any uncaptured wild living creature anywhere in the unincorporated County. A violation of this subsection is punishable as described in Section V, Criminal Penalties and Civil Remedies, of this document.

**1.2.3.** Bexar County Sheriff's Department shall liberally utilize the authority granted by TEXAS HEALTH AND SAFETY CODE § 821.022 to seize and impound any animal that has been or is being cruelly treated.

**1.2.3.1.** The justice court, magistrate or municipal court shall issue a warrant upon a showing of probable cause that the animal is being or has been cruelly treated and shall set a time within ten (10) calendar days from the date of issuance of the warrant for a hearing to determine whether the animal has been cruelly treated.

**1.2.3.2.** The officer executing the warrant shall cause the animal to be impounded and give written notice to the owner of the time and place of hearing.

**1.2.3.3.** If the investigating Sheriff's Deputy has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any Justice of the Peace of Bexar County, Texas or any municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention. In cases of abandonment the Animal Control Officer or Sheriff's Deputy may remove the abandoned animal(s) by posting the property with a NOTICE of VIOLATION and IMPOUNDMENT, for the care and safety of the animal(s). This notice shall advise the property owner/caretaker of the location the animal(s) is/or held for care and safe

keeping. The owner/care taker shall have 72 hours to contact the Animal control Department to claim the animal(s). In the event no contact is made, the animal(s) become property of Bexar County and may be dealt with as deemed necessary. The owner will be responsible for costs to the county incurred during impoundment.

**1.2.3.4.** If an animal will be left unattended or in an unsafe location or condition as a result of the animal's caretaker/owner being taken into custody, the animal may be held in protective custody by Animal Control for up to 72 hours at the caretaker/owner's cost. In the event the caretaker/owner does not claim the animal within 72 hours, the animal(s) become property of Bexar County and may be dealt with as deemed necessary.

**1.2.3.5.** All hearings for determination of the treatment of and disposition of animals arising from this Order shall be conducted in accordance with the provisions of TEXAS HEALTH AND SAFETY CODE Sections 821.023, 821.024 and 821.025.

**1.3. Killing animals in a public place.** It shall be unlawful for any person other than Animal Control Officer, Sheriff's Deputy, or other law enforcement officer to wound or kill any cattle, horse, sheep, swine or goats of any description, dogs or cats, whether wild or domestic, in any public place within the unincorporated areas of the County.

**1.4. Standard of care.** An owner, keeper or temporary owner of an animal is required to provide his/her animals with humane care and treatment as follows:

- 1.4.1.** Access to an adequate supply of fresh air;
- 1.4.2.** Species-specific food, adequate to maintain good health and body condition;
- 1.4.3.** Fresh water;
- 1.4.4.** Exercise;
- 1.4.5.** Shade, as defined by this Order,
- 1.4.6.** Shelter, as defined by this Order; and
- 1.4.7.** Veterinary care when needed to prevent suffering.

**1.5. Reporting motor vehicle animal strikes.** Any person who, as the operator of a motor vehicle, strikes a domestic animal, livestock, or any wild animal (over ten (10) pounds in weight), shall at once report the accident to the County non-emergency number 335-6000.

**1.6. Roadside sales.** It shall be unlawful to conduct roadside sales within the unincorporated areas of Bexar County.

**1.7. Owner surrender.** Bexar County will only accept owner surrender of an animal(s) upon the following conditions:

- 1.7.1. Bexar County Animal Control must have available space for that animal(s),
- 1.7.2. The animal must be a domestic dog or cat,
- 1.7.3. The owner must pay a \$150.00 per animal surrender fee (this fee is will be used to offset the Bexar County's cost to take the owner surrender).

**1.8. Flooring standards for animal housing.** It shall be unlawful to house any animal on a surface that permits the feet or any portion of the foot to pass through any opening. The floor must be constructed in a manner that protects the animal's feet and legs from injury.

**1.9. Leash and pooper scooper (feces removal) required.** An animal owner or keeper shall not walk an animal without a leash restraint, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.

**1.10. Animals at Large:** It shall be unlawful to allow domestic dog(s) to roam beyond the animal's enclosure without restraint.

**1.11. Non Identified Dogs** – Uncontained or non- restrained dogs that are picked up by Animal Control and are not owner identified by microchip, tag, or other secure means of identification of the owner, shall be considered stray and the property of Bexar County Animal Control. If the owner claims the animal before final disposition, the owner will be responsible for the costs incurred to the county for impoundment.

**1.12. Prohibited animals.** This paragraph replaces Commissioners Court Order AUTHORIZING THE PROHIBITION OF WILD ANIMALS WITHIN THE UNINCORPORATED AREAS OF BEXAR COUNTY, TEXAS PURSUANT TO H.B. 1362 (77th LEGISLATURE), SECTION 240 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 822 TEXAS HEALTH AND SAFETY CODE signed August 28, 2001 and effective November 30, 2001. This paragraph is adopted pursuant to TEXAS HEALTH AND SAFETY CODE Section 822.116 and therefore supersedes TEXAS HEALTH AND SAFETY CODE Chapter 822 within Bexar County. A person or entity may not own, house, keep or hold an animal defined as a "prohibited animal" in Bexar County unless that animal is registered with the County in the manner proscribed by the County. Animals in the custody of Primarily

Primates Incorporated that are registered with the County are expressly permitted within Bexar County.

**SECTION II**  
**DANGEROUS AND AGGRESSIVE DOGS**

- 2.1 Dangerous dogs.** Bexar County hereby adopts and incorporates the provisions of TEXAS HEALTH AND SAFETY CODE Chapter 822, and any amendments made subsequent to the Effective Date of this Order, for dealing with dangerous dogs, including but not limited to investigations, hearings and penalties.
- 2.1.1** Subchapter A., Sections 822.001 through 822.007, Dogs that Attack Persons or are a Danger to Persons
  - 2.1.2** Subchapter B., Sec. 822.011 through 822.013, Dogs and Coyotes that are a Danger to Animals
  - 2.1.3** Subchapter D., Section 822.041 through 822.047, Dangerous Dogs.

**SECTION III**  
**RABIES CONTROL**

This section replaces Commissioners Court Order No. 13.102.03196, COUNTY OF BEXAR, COMMISSIONERS COURT RABIES CONTROL ORDER. This section is adopted pursuant to TEXAS HEALTH AND SAFETY CODE Section 826.014 and therefore supersedes TEXAS HEALTH AND SAFETY CODE Chapter 826 within Bexar County.

- 3.1 Required vaccination.** An owner of a dog, cat or domestic ferret must have the animal vaccinated against rabies in a manner that satisfies the requirements of state law. Failure to vaccinate a dog, cat, and/or domestic ferret under your control against rabies is a violation of this section and is punishable by a \$500 fine.
- 3.2 Reporting, bites, scratches; zoonotic diseases.**
- 3.2.1** Any veterinarian, medical professional, or person having knowledge of an animal having bitten, scratched or injured a person, within unincorporated Bexar County shall immediately document and report the incident to the Local Rabies Control Authority (LRCA) for Bexar County on an approved bite report.
  - 3.2.2** Any veterinarian or other person having knowledge of an animal diagnosed as having any reportable zoonotic disease shall report same to the LRCA for Bexar County within five (5) days of making the diagnosis or becoming aware of the diseased animal.
  - 3.2.3** The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his/her name and address together with the

animal's license number (if applicable), and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall contact the LRCA for Bexar County within twenty-four (24) hours of the incident and provide his/her name; the animal's name, description and license number (if available); the name of the injured person, and other information requested by the LRCA related to the animal and injured party on an approved bite report.

- 3.2.4** If the Bexar County Animal Control Officer is present, the owner/keeper shall immediately surrender the animal if so required. If an Animal Control Officer, Sheriff's Deputy, or other law enforcement officer is not present and the owner/keeper does not surrender the animal to the animal care services facility within twenty-four (24) hours of notification of the incident, the LRCA or any appointed Animal Control Officer may seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten a person. An administrative search warrant shall be obtained from any County court judge or other magistrate to enter onto private property to search for the biting animal if permission to enter is not given.

### **3.3 Confinement of biting, scratching animals.**

- 3.3.1** The owner of any animal within the unincorporated County which has bitten or scratched a person so as to have caused an abrasion or break of the skin shall, on demand of the LRCA or any Animal Control Officer, immediately surrender such animal to the animal care services facility, or other approved rabies quarantine facility for observation for a period lasting not less than ten (10) days (240 hours) after the date of the incident, subject to the provisions of subsection 3.3.2.
- 3.3.2** The owner of any animal that has bitten or scratched any person shall be allowed to assume personal responsibility for confining the animal for the observation period of ten (10) days, only under the following circumstances:
- 3.3.2.1** Secure facilities must be available at the home of the animal's owner, and must be approved by the LRCA;
  - 3.3.2.2** The animal was currently vaccinated against rabies when the exposure incident occurred;
  - 3.3.2.3** The LRCA, designated county official, County veterinarian or a licensed veterinarian is to observe the animal at least on the first and last days of the quarantine period. During this period no vaccinations are to be administered. If the animal becomes ill during the observation period, the LRCA must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing by the LRCA, designated county official, County veterinarian or licensed veterinarian who will attest to the health of the animal.

- 3.3.2.4** If human injury is the result of two or more animals which are fighting, all animals involved in the fight are subject to quarantine at the discretion of the LRCA.
- 3.3.3** If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period as required by state law.
- 3.3.4** Violation of the observation confinement of the biting animal as provided in subsection 3.3.2 shall be just cause for seizure and confinement of the animal in an animal care facility of the County's choosing.
- 3.3.5** All wild animals involved in exposure incidents including biting, scratching or any other direct exposure by physical contact will be humanely euthanized in such a manner that the brain is not mutilated if the animal can be caught and positively identified. The brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

**3.4 Concealment, sale of biting animal prohibited.**

It shall be unlawful for any owner within the unincorporated County to conceal, sell, give away or otherwise dispose of an animal that has bitten or scratched a human, or to otherwise permit the animal to be taken beyond the County after having knowledge of the animal's having bitten or having so injured a person as to cause an abrasion of the animal's or person's skin, until such animal is released by the LRCA.

**3.5 Confinement of animals infected with or exposed to rabies.**

The owner of any animal infected with rabies, or who reasonably suspects his/her animal of having such an infection, shall notify the Sheriff's department or the LRCA of the fact that his/her animal has been infected with or exposed to rabies. The Sheriff's department or LRCA is empowered to have such animal removed from the owner's premises to the animal care services facility, or at the request of the owner, such animal may be placed in a veterinary hospital, and shall be placed under observation for the appropriate period as required by state law. Whether confined in the animal care services facility or a veterinary hospital, the owner shall bear the expense of the confinement.

**3.6 Confinement at owner's expense; payment.**

Any animal surrendered to the animal care services facility for the purpose of observation as provided in this chapter shall be kept at the facility and shall be fed and cared for at the expense of the owner. Such fees are to be paid to the facility before the animal can be reclaimed from the animal care services facility at the end of the authorized quarantine and observation period.

**3.7 Release of animal subject to certification by veterinarian.**

No animal shall be released from the observation period provided for in this article unless a licensed veterinarian or other LRCA approved representative certifies in writing to the LRCA that such animal is not showing symptoms of rabies. Exemption from placing such animal in the animal care services facility or in a veterinary hospital as provided in subsection 3.3.2 shall not exempt such owner from securing a proper release, as provided above.

### **3.8 Euthanization of rabid animals, wild biting animals.**

When, in the opinion of the LRCA, the animal has exhibited signs of incipient rabies, the animal will be immediately euthanized and the brain submitted to a Texas Department of State Health Services certified laboratory approved by the LRCA for diagnosis.

### **3.9 Impoundment of animals unclaimed after quarantine.**

Any animal quarantined at a quarantine facilities used by Bexar County Animal Control, not reclaimed by its owner within twenty-four (24) hours of the expiration of the quarantine or observation period provided in this chapter shall become the property of that facility and may be offered for adoption or humanely euthanized at the discretion of the Director or designated representative.

### **3.10 Notification of authorities upon knowledge of rabid animal.**

Any person having knowledge of any animal being infected with rabies or reasonably suspecting such infection shall immediately notify the LRCA, Bexar County Animal Control or the Sheriff's department of such fact or suspicion giving the name of the owner, possessor, keeper or harbinger of such animal, if the same be known, together with a description of such animal and where such animal may be found.

### **3.11 Final disposition of rabid, non-rabid animals.**

Where an animal has been bitten by another animal, and the biting animal described in this section is determined not to have rabies, then both animals will be released from observation. If the biting animal is determined to be rabid, and the animal victim is possessed of a current vaccination certificate, then the owner of the animal victim will have the option of immediately having the animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of ninety (90) days. However, if the animal victim is not possessed of a current vaccination certificate, then the owner of said animal victim will have the option of immediately having said animal victim humanely euthanized, or, in the alternative, vaccinated and quarantined as defined by Texas State law..

### **3.12 Health emergencies.**

Upon a finding by the LRCA that a health emergency exists due to the imminent threat of rabies or other disease communicable by animals, he shall have the authority to order that all unrestrained animals be impounded and destroyed immediately; except that, no emergency order

shall continue for a period longer than seven (7) days without the consent of Commissioners Court.

**3.13 Joint animal vaccination drives.**

The LRCA is hereby authorized to conduct periodic rabies vaccination drives in cooperation with the local veterinary clinics for the public health benefit of the community.

**SECTION IV**  
**IMPOUNDMENT**

**4.1 Animal impounding and care services.**

- 4.1.1** Animal impounding and care services shall be provided through contractual agreements with local animal care and/or rescue facilities, community or municipal impound facilities, or commercial boarding kennels.
- 4.1.2** These facilities must be kept in a sanitary condition, and all animals impounded therein shall be properly fed and provided water and shelter. All animals shall be treated in a humane manner while under the custody of the facility.
- 4.1.3** These facilities will provide impound, adoption, and euthanasia services for animals brought to them by Bexar County Animal Control Officers. Once an animal is released to the animal care facility, that animal becomes the responsibility of the animal care facility who shall follow their established procedures, laws, and rules for impound, adoption, rescue, or euthanasia as needed and in accordance with State law.

**SECTION V**  
**CRIMINAL PENALTIES & CIVIL REMEDIES**

**5.1 Unlawful acts; criminal penalties; civil remedies.**

- 5.1.1** Unless otherwise specifically provided for in this order, if it is found that a person intentionally, knowingly or recklessly violated any provision of this order, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) except that, in the event a person has once previously been convicted under this chapter, the person shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.
- 5.1.2** Failure by an owner to maintain valid rabies vaccinations on a domestic animal 16 weeks or older is a violation of this section and is punishable by a fine of five hundred dollar (\$500.00).

- 5.1.3 Designated Bexar County Animal Control Officers can issue citations for violations of this court order.
- 5.1.4 Nothing in this section shall limit the remedies available to the County in seeking to enforce the provisions of this Order. Each day's violation thereof shall constitute a separate offense.
- 5.1.5 Where it is deemed necessary by the Director, designated representative, or the District Attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

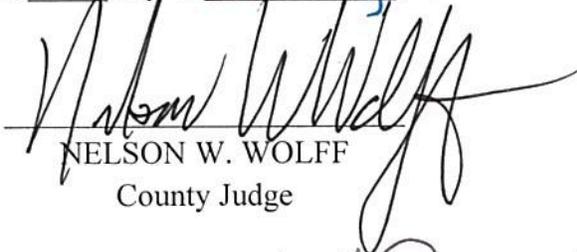
**SECTION VI**  
**SEVERABILITY**

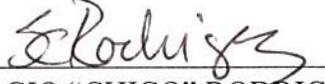
6.1 If any provision, section, article, paragraph or sentence of this Order shall be held invalid, such invalidity shall not affect the remaining provisions, sections, paragraphs, and sentences of this Order.

**SECTION VII**  
**EFFECTIVE DATE**

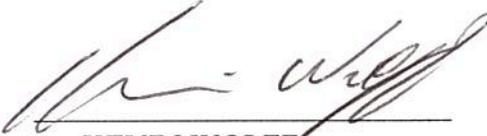
7.1 Commissioners Court Order, "AN ORDER ESTABLISHING ANIMAL AND RABIES CONTROL AUTHORITY WITHIN THE UNINCORPORATED AREAS OF BEXAR COUNTY" dated September 17, 2013 shall be rescinded on \_\_\_\_\_, 2015 at 11:59 p.m. and the provisions of this Order shall become effective on \_\_\_\_\_, 2015 at 12:00 a.m.

SIGNED and ENTERED on this 20<sup>th</sup> day of January, 2015.

  
NELSON W. WOLFF  
County Judge

  
SERGIO "CHICO" RODRIGUEZ  
Commissioner, Precinct No. 1

  
PAUL ELIZONDO  
Commissioner, Precinct No. 2

  
KEVIN WOLFF  
Commissioner, Precinct No. 3

  
TOMMY CALVERT  
Commissioner, Precinct No. 4