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## **RABIES AND ANIMAL CONTROL ORDER**

**WHEREAS**, it is the desire of this Court to establish the following regulations concerning vaccination of animals, reporting of human exposure to rabies, quarantining, and testing of biting animals, reduction of the stray animal population, restraint of vicious animals and prohibition of animals running at large; and to prescribe penalties for violation of such provisions in accordance with and pursuant to Chapter 821, Chapter 822 Subchapter A, B, D, and E; and Chapter 826 of the Texas Health and Safety Code, V.T.C.A.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BASTROP COUNTY, TEXAS**, that the following provisions are adopted this the 27th day of September, 2021.

### **SECTION 1 DEFINITIONS**

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

- 1.1 ANIMAL OWNER:** Any person having title to or custody of or who owns, feeds, keeps, maintains, harbors or has custody or control of a dog, cat or dangerous wild animal. Harboring shall include knowingly feeding or allowing a dog or cat to remain on the owner's premises.
- 1.2 BITE:** Puncturing or tearing of the skin caused by an animal.
- 1.3 CAT:** Felius Catus.
- 1.4 CURRENTLY VACCINATED:** Vaccinated by the time the animal is 4 months of age, and satisfying the criteria as prescribed by the Texas Department of Health Safety Code Chapter 826 Rabies Control and Eradication and rules of the board Chapter 169, V.T.C.A. (see exhibit D and E).
- 1.5 DANGEROUS DOG:** As defined in Chapter 822, subchapters A and D of the Health and Safety Code.(see exhibit C)
- 1.6 DANGEROUS WILD ANIMAL:** As described in Section 6 of this order and as defined in Chapter 822 subchapter E of the Health and Safety Code(see exhibit A and B).
- 1.7 DOG:** Canis Familiaris
- 1.8 LOCAL RABIES CONTROL AUTHORITY (LRCA):** The Officer designated by the County to enforce Rabies Control as prescribed under the Texas Health and Safety Code, Chapter 826, V.T.C.A.
- 1.9 NUISANCE:** Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the right of citizens, other than their owner, The term "nuisance animal" shall mean and include, but is not limited to, any animal that:
- a) is at large(excluding pet cats);
  - b) engages in conduct which establishes such animals as a "dangerous animal";
  - c) damages, soils, defiles or defecates on private or public property unless such waste is immediately removed and properly disposed of by the owner of the animal.;
  - d) makes excessively disturbing noises, including, but not limited to, continued whining or other utterances, causing unreasonable annoyance, disturbance, or discomfort to neighbors or other in close proximity to the premises where the animal is kept or harbored;
  - e) chases vehicles or molests, attacks or interferes with other animals or persons on public property;

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- f) produces odors or unclean conditions sufficient to annoy persons living in the vicinity;
- g) is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.

**1.10 RUNNING/BEING AT LARGE:** To be off the premises of the owner and not under direct control by the owner or a responsible agent. This definition does not apply to any dog while actually working livestock, greyhound racing, location or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, participating in an obedience dog show or an obedience class, or while being trained for any of these pursuits. Dogs tethered to a stationary object but which can range within six (6) feet of a public street, sidewalk, or right of way; shall be deemed to be at large if the dog's owner is not immediately present. An animal within an automobile or vehicle of its owner shall not be deemed "at large". Excluding pet cats.

**1.11 SECURE ENCLOSURE:** A fenced area or structure that is :

- a) locked;
- b) capable of preventing the entry of the general public including children;
- c) capable of preventing the escape or release of a dog.

**1.12 STRAY:** Roaming without physical restraint or owner supervision beyond the premises of the animal's owner.

**1.13 VACCINATED:** Properly injected with rabies vaccine licensed for use in that species by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.

**1.14 WILD ANIMAL:** All species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

## **SECTION 2 RABIES CONTROL**

**2.1 VACCINATIONS:** The owner of a dog or cat shall have the animal vaccinated against rabies at four (4) months of age, boosted at one year, then annually or every three (3) years thereafter depending on the vaccine used as per the Health and Safety Code Chapter 826 Rabies control and eradication, and the Texas Administrative Code, rules of the Board Chapter 169.21 ( exhibit D and E).

**2.2 CERTIFICATE OF VACCINATION:** Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate upon a form furnished by the veterinarian.

**2.3 RABIES TAG:** Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall attach to the collar or harness of the vaccinated dog or cat a metal tag, serial numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his/her address. The owner shall have the collar or harness, with the metal tag attached, on his/her dog or cat at all times, except when doing so would jeopardize the health or safety of the animal. Tags may be purchased from any practicing veterinarian in Bastrop County.

**2.4 DUPLICATE TAGS:** In the event of loss or destruction of the original tag provided in Section 2.3, the owner of the animal shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued. Duplicate tags may be purchased from any practicing veterinarian in Bastrop County.

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**2.5 PROOF:** It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Order.

**2.6 UNVACCINATED ANIMALS:** It shall be unlawful for any person to own a dog or cat which has not been vaccinated against rabies, as provided herein, which cannot be identified as having a current vaccination certificate.

**SECTION 3 REPORTING OF BITES AND SCRATCHES FROM ANIMALS SUSCEPTIBLE TO RABIES:**

To be enforced as per the Texas Health and Safety Code Chapter 826 and 169 of the Texas Administrative Code, V.T.C.A.

**3.1** Any person having knowledge of a bite or scratch to a human by any warm-blooded animal shall report the incident to the Local Rabies Control Authority, or the Animal Control Department, or to a local Law Enforcement agency as soon as possible.

**3.2** The owner, if any, of the biting animal shall place that animal in quarantine as prescribed in Section 4 of this Order under the supervision of the Local Rabies Control Authority or its designee.

**3.3** The Local Rabies Control Authority or its designee or a Local Law enforcement agency shall investigate each incident reported.

**SECTION 4 QUARANTINE PROCEDURES FOR ANIMALS**

To be enforced as prescribed by the Texas Health and Safety Code Chapter 826, V.T.C.A.

**SECTION 5 DOGS AT LARGE**

**5.1 DOGS AT LARGE:**

a) Dogs shall be prohibited from being/running at large. If ownership is determinable, and the owner can be located, the owner may be cited for violation of this Order. If ownership is in question or if the animal is a stray, the animal shall be impounded for 48 hours. An owner may claim the animal within this time period after paying all incurred costs and impound fee.

b) The Animal Control Officer or Peace Officers are authorized to impound any animal mentioned in this Order which is in violation of this Order. In the event the Animal is on Private property or property of the animal's owner, the Animal Control Officer or Peace Officer may enter the property, other than inside a private dwelling, for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provision of the Order and Law.

**5.2 DOGS AT LARGE:** No dog owner shall fail to prevent his dog from being/running at large, as defined in Section 1.8 of this order. Any dog off its owner's premises shall be under the control of its owner.

**5.3 DOGS IN COMMON AND PUBLIC AREAS:** No owner shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or County parks or fairgrounds unless permission is posted by County or Public authorities allowing dogs at large.

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**5.4 EVIDENCE OF RUNNING AT LARGE:** It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's sight, or if the dog goes upon public or private property without the consent of the owner or one acting upon the authority of the owner.

**5.5 IMPOUNDMENT:**

- a) Animals owned or harbored in violation of the Bastrop County Order or Laws of the State of Texas shall be taken into custody by an Animal Control Officer or other designated official and impounded under the provisions of this Order.
- b) Owners of impounded pets are required to pay all fees related to the impoundment as set by the Bastrop County Commissioners Court.

**5.6 DISPOSITION OF IMPOUNDED ANIMALS:**

- a) Dogs and cats with no identification: All dogs and cats impounded by the Animal Control Department or brought to the Animal Shelter by a person other than the owner of that animal shall be held for a minimum of 48 hours during which time period the owner may present proof of ownership at the shelter. After paying all applicable fees, that owner may reclaim the dog/cat. In the event that the dog/cat is not claimed after 48 hours in the shelter, that dog/cat shall become the property of Bastrop County.
- b) Dogs and cats with identification: All dogs and cats impounded by the Animal Control Department or brought to the Animal Shelter by a person other than the harborer or owner of that animal that are wearing traceable identification or where an owner is known shall be held in the shelter for a minimum of 5 (five) days from the time the animal enters the facility, during which time the animal Control Department will notify the owner, when known, of the impoundment. Unless the owner has notified the Animal Control Department in writing of his/her intentions to claim the dog/cat after that date, listing a date by which time the owner will reclaim the dog/cat and satisfy all applicable fees and this arrangement has been approved by the Director of Animal Control, the animal shall become the property of Bastrop County.
- c) Animals surrendered by the owner/harbinger: All animals surrendered by the owner/harbinger to the Animal Control Department shall become the property of Bastrop County immediately upon completion of the owner/harbinger surrender form. Fees for owner surrendered animals shall be set by the Bastrop County Commissioners court.
- d) Animals other than dogs, cats or stray impounded: All animals other than dogs, cats, stray or animals holding restricted permits in Bastrop County impounded by the Animal Control Department or brought to the animal shelter by a person other than the owner/harbinger shall become the property of the County unless such ownership is prohibited by State, Federal Law or local Order.
- e) Disposition of animals: Any animal that cannot be adopted or transferred to a proper and appropriate agency shall be euthanized by and injection of substances approved for euthanasia by the American Veterinary Medical Association and/or by other State of Texas approved method. The euthanasia is to be administered in compliance with the Laws of the State. All animals listed as endangered or protected shall be transferred to the proper authority at the earliest possible date.

**5.7 ANIMAL HELD ON COMPLAINT:** If a complaint has been filed in JP court, or County court for the County against the owner of an impounded animal for a violation of this Order the animal shall not be released except on the order of the Court or of the Animal Control Department if applicable which may also direct the owner to pay any penalties for violation of this Order in addition to all impoundment fees. Surrender of an animal by the owner thereof to the Animal Control Department does not relieve or render the owner immune from the decision of the Court, nor from the fees and fines which may result from a violation of this Order.

**5.8 REMOVAL OF ANIMALS FROM CONFINEMENT:**

- a) Removal of animal from confinement: It shall be unlawful for any person to remove or allow to escape from any place of confinement any dog or cat which has been confined as authorized, without the consent of the impounding agency.
- b) Impounding-interfering with Officers: It shall be unlawful for any person to interfere or attempt to interfere with the Animal Control Officer or Peace Officer or to attempt to interfere or to interfere or attempt to interfere with any person acting for the County in the taking up and impounding of animals in the County.

**5.9 AUTHORITY TO DESTROY INJURED/DISEASED ANIMAL:**

- a) The Animal Control Department or authorized representative, is authorized to destroy any injured or diseased animal, whether such animal is on public or private property, and the recovery from such injuries or disease is in serious doubt, if the owner of the animal cannot be determined or located after making a reasonable effort.
- b) The Animal Control Department or authorized representative is authorized to destroy any animal which is known to be wild, feral , or due to its temperament or vicious, dangerous behavior constitutes a threat to the public or the Animal control Department.

**5.10 ADOPTION OF ANIMAL:**

- a) All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction in that animal. The person adopting the animal shall sign and adoption contract stating that he/she will have the animal surgically altered and the date by which the surgery must be performed, if the animal has not been altered before it leaves the animal shelter.
- b) It shall be the responsibility of the person adopting to provide proof of altering to the Animal Control Department.
- c) Failure to comply with this section or failure to comply with the terms of the adoption contract shall give the Animal Control Department the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this Order.
- d) The adoption fee shall be set by the Bastrop County Commissioners Court to render neutral the cost of surgically altering, medicating, vaccination and preparing the animal for adoption. The person adopting the animal shall be provided a list of fees related to the adoption prior to the agreement being signed.

**SECTION 6 DANGEROUS ANIMALS/WILD DANGEROUS ANIMALS**

**6.1 DOGS THAT ARE A DANGER TO PERSONS/ OWNERSHIP OF DANGEROUS DOGS**

To be enforced as prescribed by the Texas Health and Safety Code, Chapter 822, Subchapter A, B, and D, V.T.C.A.(see exhibit C)

**6.2 PROHIBITING THE KEEPING OF DANGEROUS WILD ANIMALS**

When used in this Order Section 1 definitions and the following words and terms shall be interpreted as follows;

**6.3 WILD ANIMALS:** lions, tigers, ocelots, cougars leopards, cheetah, jaguars, bobcats, lynx, servals, caracal, hyenas, bears, coyotes, jackals, baboons, chimpanzees, orangutans, gorillas, wolves, non-

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indigenous venomous snakes or snakes and reptiles that pose a danger to the public due to their size or manner in which they are being kept, elephants and rhinoceroses. And any non-domestic animal that the Commissioners Court of Bastrop County determines is dangerous and is in need of control in Bastrop County, excluding exotic livestock.

**6.4 DANGEROUS WILD ANIMAL:** means an animal of a species defined as a “dangerous wild animal” in this Order and in Chapter 822.101, Subchapter E of the Texas Health and Safety Code(see exhibit B).

**6.5 OWNER:** Means any person as defined in this Order and as defined in the Health and Safety Code Chapter 822.101, who owns harbors, keeps, and has custody or control of a Dangerous Wild Animal.

**6.6 WILDLIFE SANCTUARY:** Is defined as a nonprofit organization under Section 170(b)(1)(A)(vi),INTERNAL REVENUE CODE of 1986, whose principle activity is to operate a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced Wild Animals are provided care for their lifetimes, or released back to their natural habitats, or transferred (not sold) to a location in compliance with all applicable laws, and which does not breed, buy, sell, trade, barter or auction any Dangerous Wild Animal that is owned by it or over which it custody or control.

**6.7 AUTHORITY:** Authority of Bastrop County to adopt this Order and this Section or that order include LOCAL GOVERNMENT CODE, Section 240.002(a), and the Texas Health and safety code Section 822.101under which the Bastrop County Commissioner Court may prohibit or regulate the ownership, possession, confinement, or care of certain animal(s) in the County.

**6.8 AREA COVERED:** The area covered by this Order includes all non-incorporated areas of Bastrop County.

**6.9 ANIMALS COVERED BY THIS ORDER:** The Commissioners Court of Bastrop County hereby determines that those animals included in the definition of Wild Animals and Dangerous Wild Animals within the non-incorporated areas of Bastrop County is hereby prohibited unless:

- a) The Wild Animal/Dangerous Wild Animal is being kept by a “Wildlife Sanctuary,” as defined herein, which fully complies with the following requirements:
1. The Wildlife Sanctuary must be operating in Bastrop County on the effective date of this Order, and
  2. The Wildlife Sanctuary must meet the registration requirements of the Health and Safety Code, Section 822.103 through 822.110; and
  3. Upon establishment by the Texas Board of Health of rules regarding caging requirements and standards for the keeping and confinement of a Wild/Dangerous Wild Animal, the Wildlife Sanctuary must meet all requirements of those rules and must keep and confine all Wild/Dangerous Wild Animals in accordance with the caging requirements and standards established by the Texas Board of Health;and
  4. The Wildlife Sanctuary 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 as set forth in the Health and Safety Code, Section 822.112(b)

**OR**

- b) The owner meets the requirements of the Texas Health and Safety Code, Section 822.102 (see exhibit b) to be allowed to own Wild/Dangerous Wild Animals without registering those animals.

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**6.10 OFFENSE:** A person who harbors or keeps in Bastrop County an animal prohibited by this Order commits an offense. A person commits an offense if the person fails to comply with any portion of this Order, such offense to be prosecuted under State Law and Local Order. An offense under this Order is a Class C misdemeanor. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

a) Any person keeping a Wild/Dangerous Wild Animal in violation of this Order or the provisions of the Health and Safety code, Section 822.101 through 822.116 is subject to the penalty provisions provided in those applicable sections of the Health and Safety Code.

b) The County Attorney or another attorney representing the County may file an action in a district court to enjoin a violation or a threatened violation of an Order adopted under this Order pursuant to Section 240, Local Government Code.

**6.11 REMOVAL OF ANIMALS:** Those individuals in possession of animals covered by the requirements of this Order are required to provide for and secure the removal of those animals from Bastrop County at the earliest possible date, but no later than June 30, 2002. Bastrop County has no obligation or responsibility regarding the removal of any animal prohibited under this Order, all responsibility remains with the owner and/or person in possession of the prohibited animal.

**6.12 ANIMAL REGISTRATION AGENCY:** The Animal Registration Agency for Bastrop County is Bastrop County Animal Control or its designated representative.

**6.13 APPLICATION PROCEDURE:** The following application procedures will be utilized by those owners meeting the requirements under this Order to qualify as a Wildlife Sanctuary.

a) Application. The owner must complete the application for certificate of registration on a form provided by BCAC. The application form must, at a minimum, include the information set forth in the Health and Safety Code, Section 822.104(b), (c) and (d).

b) Fees. Any applicant for a certificate of registration under this Order must pay a fee of Fifty Dollars (\$50.00) per animal in the applicant's possession, up to a maximum amount of Five Hundred Dollars (\$500.00). The fees collected under this Order may only be used to administer and enforce the provisions of this Order.

c) A certificate of registration issued under this Order is not transferable and shall be valid for one year after its date of issuance or renewal unless revoked. It shall be the responsibility of the owner to seek renewal prior to the expiration of the certificate of registration each year that the owner in possession of the animal(s).

d) Denial or Revocation. The process set forth in the Health and Safety Code, Section 822.105, shall apply in any situation which BCAC denies or revokes a certificate of registration.

e) Inspection. An owner of a wild/dangerous wild animal shall, at all reasonable times, 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(s), the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this Order.

f) Requirements. The issuance of the certificate of registration by BCAC will include the requirement that the owner meet all other applicable requirements of the Health and Safety Code 822, including, but not limited to, those regarding: display of the certificate; maintenance of liability insurance; relocation or disposition; and attack or escape.



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**6.14 APPLICATION PROCEDURE:** The following application procedures will be utilized by those owners meeting the requirements under this Order to qualify as a Wildlife Sanctuary.

- a) Application. The owner must complete the application for certificate of registration on a form provided by BCAC. The application form must, at a minimum, include the information set forth in the Health and Safety Code, Section 822.104(b),(c) and (d).
- b) Fees. Any applicant for a certificate of registration under this Order must pay a fee of Fifty Dollars (\$50.00) per animal in the applicant's possession, up to a maximum amount of Five Hundred Dollars (\$500.00). The fees collected under this Order may only be used to administer and enforce the provisions of this Order.
- c) A certificate of registration issued under this Order is not transferable and shall be valid for one year after its date of issuance or renewal unless revoked. It shall be the responsibility of the owner to seek renewal prior to the expiration of the certificate of registration each year that the owner in possession of the animal(s).
- d) Denial or Revocation. The process set forth in the Health and Safety Code, Section 822.105, shall apply in any situation which BCAC denies or revokes a certificate of registration.
- e) Inspection. An owner of a wild/dangerous wild animal shall, at all reasonable times, 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(s), the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this Order.
- f) Requirements. The issuance of the certificate of registration by BCAC will include the requirement that the owner meet all other applicable requirements of the Health and Safety Code 822, including, but not limited to, those regarding: display of the certificate; maintenance of liability insurance; relocation or disposition; and attack or escape.

**SECTION 7 NUISANCE ANIMALS/BARKING DOGS:**

**7.1 NUISANCE ANIMAL:** No person, owner, or harbinger shall permit any animal in his/her care or custody to become a nuisance as defined in Section 1 of this Order.

**7.2 BARKING DOGS PROHIBITED:** No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping or whining, whether the dog is on or off the owner's premises.

**7.3 PROVOCATION DEFENSE:** Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of Section 7.1 or 7.2.

**7.4 WARNING REQUIRED:** No person shall be charged with a violation of Section 7.2 unless written warning has previously been provided to the owner as detailed in Section 7.5.

**7.5 WARNING PROCESS:** The warning process to be employed shall be substantially as follows:

- a) The Animal Control Officer or any Peace Officer may issue a warning after either receiving a phoned-in complaint and investigating and validating the complaint in the field, or after receiving two phoned-in complaints from different households.
- b) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, and the date, a time, place and duration of the offense.
- c) A record or incident report shall be kept of any such complaint and investigation.
- d) A warning to a dog owner shall cite Section 7.2 and advise the owner of penalty for the violation of 7.1

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and 7.2. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by and Animal Control Officer or a Peace Officer empowered by Bastrop County to enforce the provisions of this Order.

**7.6 NOTICE AND EVIDENCE OF WARNINGS:** An owner shall be deemed to have been issued and received a warning under Section 7.4 if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U.S. Mail, or certified U.S. Mail, return receipt requested, postage prepaid and addressed to the owner of the dog according to the last known address.

**7.7 COMPLAINANT RIGHTS AND RESPONSIBILITIES:**

- a) The identity of a complainant(s) shall be kept confidential until a violation of this Section is charged.
- b) If a violation of this Section is charged, the complainant(s) or Animal Control Officer or Peace Officer shall sign a affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.
- c) No person or owner shall be convicted at a trial for violation of Section 7.2 unless testimony is presented by at least two complaining witnesses, or by one complaining witness when there is only one occupied residence within three blocks or one quarter(1/4) mile in any direction. An Animal Control Officer or Peace Officer may testify as a complaining witness.

**SECTION 8 ABANDONED, ABUSED OR NEGLECTED ANIMALS**

To be enforced as per the Texas Penal Code, Section 42.09, Cruelty to Animals.

**8.1 ABANDONMENT, ABUSE, OR NEGLECT PROHIBITED:**

- a) No person shall abandon an animal in his/her care or custody.
- b) No owner shall fail to provide an animal in his/her care with sufficient good and wholesome food and water, with the water available to the animal 24/7, adequate shelter and protection from weather, veterinary care when needed to prevent suffering, grooming when lack thereof would adversely affect the health of the animal, and with humane care and treatment. ("Adequate shelter" shall be construed to mean a structure which enclosed by at least three walls or sides and a roof, which structure is located such that the animal is protected from weather conditions.)
- c) No person shall beat, cruelly treat, torment, mentally abuse, overload, overwork, keep an animal on a rope, chain, or permanent leash less than Ten (10) feet and as per Texas Health and Safety Code, Chapter 821 Subchapter D (Exhibit F), or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans. (Texas Penal Code 42.10)

**SECTION 9**

This Section is reserved for expansion.

**SECTION 10 CREATION, AND DUTIES OF LOCAL RABIES CONTROL AUTHORITY.**

**10.1** The Commissioners Court hereby appoints the Director of Animal Control as the Local Rabies Control Authority.

**10.2** The Local Rabies Control Authority or its designee shall enforce:

- a) All State laws and the rules adopted by the Texas Department of Health establishing minimum standards for Rabies Control.
- b) This Order and all others promulgated by the County and State concerning Rabies and quarantine.

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c) The rules adopted by the Texas Department of Health concerning area rabies quarantine.

**10.3** The Animal Control Department its Officers or a Peace Officer is hereby empowered to issue appropriate citations relative to the enforcement of this order.

**SECTION 11 IMPOUNDMENT/SURRENDER/ REGISTRATION/MISCELLANEOUS FEES:**

Refer to Attachment 1 – Animal Shelter Fee Structure

**SECTION 12 PENALTY FOR VIOLATION:**

A violation of any of the provisions of this Order is a Class C Misdemeanor unless otherwise prescribed by State Law.

**SECTION 13 GENERAL PROVISIONS:**

**13.1 SEVERANCE CLAUSE**

If any section, sentence, clause or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

**13.2 SAFETY CLAUSE**

Commissioners Court hereby finds, determines and declares that this Order is necessary for the immediate preservation of the public peace, health and safety.

**13.3 REPEALER**

All other Order and parts of the Orders in conflict herewith are repealed.

**13.4 MUNICIPAL ORDINANCES TO SUPERSEDE**

The promulgation and establishment of these regulations by Bastrop County Commissioners Court shall not prevent a corporate municipality within the County from establishing any rules and regulations to control animals within their corporate limits. Any such ordinance established by said corporate municipalities shall supersede that County Order thereby preventing dual enforcement. This Order will not be enforced within the corporate limits of any municipality.

**SECTION 14 EFFECTIVE DATE:**

This Order shall become effective: September 27th, 2021.

**Attachment 1 – Animal Shelter Fee Structure**

**IMPOUNDMENT FEES:** An owner claiming an animal which has been impounded under this order shall pay, prior to release of said animal, and after showing proper personal identification, and proof of current rabies, the following fees:

**Impoundment Fees** (city and county):

Reclaim 1 <sup>st</sup> impound	\$65.00
Reclaim 2 <sup>nd</sup> impound	\$90.00
Reclaim 3 <sup>rd</sup> impound	\$125.00
Daily Rate after 3rd day	\$10.00

(Reclaim fees include first three days and include microchip upon reclaim by owner. The fee for animals that are impounded 4 or more times will be calculated as the combined equivalent of the number of impounds. Example: Fourth Impound \$125.00 + \$65.00 = \$190.00. The number of impounds will be counted for three years after the date of first impound.)

**Owner Surrender Fees:**

	Drop off at Shelter	Picked up in the Field
Per Adult Animal – over 6 months	\$20.00	\$40.00
Per Litter	\$30.00	\$50.00
Euthanasia	\$30.00	N/A
Disposal of remains	\$30.00	N/A

**Dangerous Dog Registration:**

	Sterilized	Unaltered
Initial Registration	\$100.00	\$500.00
Yearly Renewal	\$50.00	\$500.00

**Adoption Fees:**

	Canine	Feline
Adoption	\$130.00	\$60.00
Adoption Hold*	\$25.00	\$25.00

(All adoptions include: spay/neuter, current vaccinations, heart worm test, and microchip)

\*(Nonrefundable hold for 24 hours. Fee will go towards adoption if animal is adopted within the hold timeframe)

**Miscellaneous Fees, Services:**

Quarantine*	\$215.00
TDH Testing	\$100.00
Wild Animal Registration	Refer to Sec. 6.13 (b) of the county order

\*(Fees include any quarantine period (10 days or portion thereof) and rabies vaccination upon release to owner. Microchip is required for all animals quarantined at the Animal Shelter, fee will be \$200.00 if the animal is already microchipped. If owner fails to pick up animal 48 hours after quarantine, the animal becomes the property of Bastrop County and the disposition will be determined at that time by Animal Services. All fees associated to quarantine and keeping animal will be due at time of intake.)

Approved in Commissioners Court August 23, 2021