

REGULATIONS OF GRIMES COUNTY, TEXAS GOVERNING ANIMAL CONTROL

(As Modified September 13, 2011)

I. AUTHORITY.

These Regulations of Grimes County, Texas, Governing Animal Control ("Rules") are adopted by the Commissioners' Court of Grimes County, Texas. Authority of Grimes County to adopt and enforce these Rules is included in TEXAS HEALTH AND SAFETY CODE, Chapter 822, "Regulation of Animals", TEXAS HEALTH AND SAFETY CODE, Chapter 826, "Rabies", TEXAS AGRICULTURE CODE, Chapter 142 and TEXAS AGRICULTURE CODE, Chapter 143, and other applicable statutes ("Animal Control Laws" or "AC Laws").

II. GENERAL PROVISIONS.

A. Animal Control Authority/Rabies Control Authority.

1. Animal Control Authority ("ACA" herein). Grimes County hereby designates the Grimes County Sheriff's Department as the Animal Control Authority. The Commissioners' Court hereby designates those members of the above department called upon by authorized personnel to enforce these Rules as designated representatives of the ACA.

2. Rabies Control Authority. Under these Rules, the Grimes County Sheriff's Department is also designated as the Rabies Control Authority, with both positions being referred to herein as the Animal Control Authority, or ACA.

B. Area of Jurisdiction. Except for Section X. "Rabies Control," these Rules shall govern the unincorporated area of Grimes County. Section X shall govern the unincorporated areas of Grimes County and shall govern incorporated areas pursuant to Section .015 of Chapter 826.

C. Enforcement.

1. The ACA (including the authorized representatives of the ACA) will enter property and seize animals as authorized under these Rules pursuant to applicable law.

2. For first-time offenders, the ACA will, in effect, waive all or a portion of the fines related to misdemeanor violations under these Rules (except for fines related to Dangerous Dog offenses) upon completion by the Owner of the required pet ownership class by not filing the citation issued for the related offense.

3. The ACA will waive all or a portion of the fees related to seizure, impound and/or boarding (except for fees related to Dangerous Dog seizure, impound and/or boarding) when the Owner presents proof of sterilization (and registration, where necessary) of the pet which took place after the violation occurred.

4. The enforcement of these Rules will be directed by the ACA. These rules, however, will be the guidelines enforced and may only be changed by the Commissioners' Court.

5. Complaints.

a. Dangerous Dogs. All complaints, applications or other statements filed with the ACA of any violation of these Rules related to Dangerous Dogs shall be in the form of a sworn affidavit which carries with it the penalties associated with filing a false sworn complaint.

b. Other. In cases of violations of other sections of these Rules, a sworn affidavit shall not be required before the issuance of a citation or seizure of an animal.

6. Appeal. Any person subject to citation or seizure of an animal under these Rules shall have available all recourse under law to appeal such action. In the event of any such appeal, the Owner of the animal may avoid implementation of requirements by posting suitable bond as set

by the court. Otherwise, all requirements applicable to the determination which is the subject of the appeal must be met.

D. State Rules. State requirements set forth in Chapter 822 and Chapter 826 shall apply unless specifically addressed and/or changed by these Rules.

III. DEFINITIONS.

A. "Animal Control Authority" means the Grimes County Sheriff's Office.

B. "Animal Control Laws" and/or "AC Laws" means TEXAS HEALTH AND SAFETY CODE, Chapter 822, "Regulation of Animals" and TEXAS HEALTH AND SAFETY CODE, Chapter 826, "Rabies" and TEXAS AGRICULTURE CODE Chapter 142 and 143, and other applicable federal, state and local statutes, laws, rules, and/or ordinances.

C. "Chapter 822" means Chapter 822 of the TEXAS HEALTH AND SAFETY CODE.

D. "Chapter 826" means Chapter 826 of the TEXAS HEALTH AND SAFETY CODE.

E. "Chapter 142" means Chapter 142 of the TEXAS AGRICULTURE CODE.

F. "Chapter 143" means Chapter 143 of the TEXAS AGRICULTURE CODE.

G. "Commissioners' Court" means the Grimes County Commissioners' Court.

H. "Dangerous Dog" means a dog that makes an attack or commits an act or acts:

1. On a person without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes bodily injury to a person or causes a person to reasonably believe that the dog will attack and cause bodily injury to that person; or

2. On livestock, a domestic animal or fowl without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes injury to that livestock, domestic animal or fowl, or causes a person to reasonably believe that the dog will attack and cause injury to that livestock, domestic animal or fowl.

For purpose of these Rules, "provocation" shall mean overt act(s) by a person which would reasonably be expected to irritate, harass or aggravate a dog (such as teasing, taunting, etc.), but does not include any act by a person reasonably seen by that person as necessary to intervene to protect another person or livestock, domestic animal or fowl.

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

J. "Owner" means a person who owns or has custody or control of a dog and/or cat (or other animal referenced in these Rules), and includes, as indicated by the context of these Rules, the person in control or having custody of, or feeding or harboring such animal.

K. "Rabies Control Authority" means the Animal Control Authority as defined by Sections II.A.1 and III.A.

L. "Restraint" has the meaning assigned by Sections V.A.1 and V.A.6.

M. "Rules" means these Regulations of Grimes County, Texas, Governing Animal Control.

N. "Secure Enclosure" means a fenced area or structure that is:

1. Locked;

2. Capable of preventing the entry of the general public, including children;
 3. Capable of preventing the escape or release of the dog;
 4. Clearly marked as containing a dangerous dog, only when that designation has been made pursuant to these Rules; and
 5. Constructed in conformance with other requirements for enclosure as may be established by the ACA pursuant to these Rules.
- O. "Serious Bodily Injury" means an injury characterized by severe bite wound(s), scratch(es) or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.
- P. "Sheriff" means the Sheriff of Grimes County, or his/her designee.

IV. REGISTRATION.

A. Grimes County does not require dogs and cats to be registered but strongly recommends that all dog and cat owners place an animal identification tag on their pet which includes pertinent identification information (such as the address and telephone number of the Owner), either on a separate tag or imprinted on the back of the rabies tag (if possible). This will allow quicker return of strays to their owners and may avoid unnecessary impounding of pets.

V. RESTRAINT.

A. Restraint of Dogs. Pursuant to Section 826.014 of Chapter 826, Grimes County hereby requires that:

1. It is the responsibility of each Owner to effectively restrain the Owner's dog, which means the dog must either be kept securely on the Owner's property so that the dog remains on the Owner's property or, if not on the Owner's property, on a leash of a length that will allow for the direct control of the dog by the Owner or the person in control of the dog (or otherwise contained, such as in a car, in a crate, etc.). The ACA may require an Owner to increase the effectiveness of the restraint if the type of restraint used by the Owner is shown not to be effective, as determined by the ACA. A person keeping a dog on a leash shall keep the dog under control at all times. This leash requirement does not apply in portions of public parks officially designated as no-restraint areas (unless the dog has been determined, pursuant to these Rules, to be a Dangerous Dog, in which case a leash is required even in designated no-restraint areas); however, the Owner must still maintain reasonable control over the dog at all times.
2. Each stray or unrestrained dog be declared a public nuisance.
3. Each stray or unrestrained dog, at the time the dog is stray or unrestrained, shall be seized and impounded by the local ACA or that officer's designee for the time period as follows:
 - a. Where a dog is seized only because it was unrestrained, it may be impounded 3 days or until the Owner retrieves the dog after paying all required fees and/or fines. Any dog not retrieved within 3 days will be subject to policies regarding placement of animals. A reasonable effort will be made to notify the Owner of the seizure when information is available regarding the dog's Owner.
 - b. Where a dog is seized and determined, pursuant to these Rules, to be a Dangerous Dog, it may be impounded up to 30 days, or until all requirements of Section VI. are met or the ACA determines that the dog can be released.
 - c. No dog seized and impounded under any section of these Rules will be released to the Owner until the Owner:

- (i) presents proof of registration pursuant to these Rules;
- (ii) presents proof of current rabies vaccination;
- (iii) pays all applicable fees and/or fines; and
- (iv) meets any other applicable requirements of these Rules or AC Laws.

4. If, by the time the ACA arrives, the dog has returned to the Owner's property, the ACA may issue the citation to the Owner under Section V.C. Upon issuance of 3 citations (any citation issued but not filed under Section II.C.2 counts toward this total number) to the Owner regarding the same dog for failure to restrain under this Section V (where such citations are upheld), the ACA shall seize and impound the dog. Upon such seizure and impound, the Owner shall be subject to all applicable seizure/impound requirements of this Section V. related to a failure to restrain.

5. Upon expiration of the time period set forth in Section V.A.3, if the dog remains unclaimed and cannot be placed in a suitable home pursuant to Grimes County procedures for placement of dogs, a humane disposition shall be made of the dog pursuant to these Rules and AC Laws.

6. Restraint of a dog must be accomplished by a humane method that is not a danger to the dog, that does not allow the dog to move off the property, and that allows the dog necessary access to food, water, and shelter.

7. Any person may report an unrestrained dog to the ACA.

B. Fees.

1. **Rate.** The Owner shall pay a fee per day in the amount as set forth in Attachment A to these Rules for the impound and boarding of a dog impounded under ANY provision of these Rules. Boarding costs shall include the reasonable cost of any necessary medical care (as determined by a licensed veterinarian) provided to the dog while the dog is in the possession of the ACA. Impound under these Rules will be at the City/County animal shelter.

2. **Payment.** Such fee must be paid before the dog is released to the Owner.

3. **Use.** All such fees collected under this Section V. shall be deposited with the Grimes County Treasurer, and shall be used only to defray the cost of administering the portions of these Rules related to authority under Chapter 826, including those costs related to enforcement.

C. Criminal Penalty. If a person fails or refuses to restrain a dog under this Section V. that is required to be restrained under this Section V., that person commits an offense which is a Class C Misdemeanor.

VI. DANGEROUS DOG. Under Section 822.047 of Chapter 822, Grimes County hereby adopts the following rules regarding Dangerous Dogs:

A. Determination That a Dog is a Dangerous Dog. A dog may be determined to be a Dangerous Dog under the following procedures:

1. **Incident Report.** Any person may report by sworn statement an incident described in Section III.H. ("Incident") to the ACA. Such statement shall include a description of all elements of the act required under Section III.H., including whether the incident related to actions against a person or actions against livestock, a domestic animal or fowl. Reports of such Incident(s) received by the Grimes County Sheriff's officers or other law enforcement officials or county representatives shall be forwarded to the ACA.

2. **Investigation.** The ACA, through field officer representative(s) designated by Grimes County, will investigate any Incident Report received under Section VI.A. 1 by taking sworn statements concerning the incident from witnesses and gathering any other pertinent information related to the incident.

3. Notice. Written notice will be given to the person filing the Incident Report (when that person provides sufficient contact information), the Owner of the dog (when the Owner is known and sufficient contact information is available), and other interested parties known to the ACA of the time and date of the hearing to review the Incident information.

4. Hearing. A hearing will be held before the ACA, or his/her designated representative (with such person always being a person separate from the officers investigating the Incident) to hear testimony from witnesses and review all information gathered related to the Incident.

5. Findings. Upon completion of the hearing, the ACA (or his designated representative) shall make a determination based upon a preponderance of the evidence as to whether or not the dog meets the requirements to be determined a "Dangerous Dog" and shall issue such determination either at the end of the hearing or within reasonable time after the hearing. The determination shall be made in writing and shall include the finding that the dog is a Dangerous Dog (with a description of the action which was the basis of the complaint specifying whether the action was against a person or another animal), shall order compliance with the requirements of these Rules regarding Dangerous Dogs (including a copy of those requirements), and shall advise the Owner of the possible results of failure to comply with those requirements.

6. Notification of Findings. If the determination is not made at the hearing, the ACA will promptly notify the Owner and those requesting such notification at the hearing and providing necessary contact information of the finding by telephone or email, with written notification to follow (as allowed by available contact information). Written notification will include the elements of the determination described in subsection 5 above and will also be provided as follow-up to any determination made at the hearing. If the dog is determined to be a Dangerous Dog, the Owner:

a. Has 15 days in which to appeal the decision to a court of competent jurisdiction. If an appeal is filed, during that appeal, the Owner must either comply with the requirements of this Section VI for a Dangerous Dog or post sufficient bond, as determined by the Court, or allow the ACA to continue to impound the dog and pay all fees and costs related to such impoundment on a weekly basis; or

b. Has 30 days (measured from the date the Owner received notice under Section VI.A.5, or the date a final decision is reached under an appeal, whichever applies) to comply with the requirements of Section VI.B. and to provide proof of such compliance to the ACA; or shall deliver the dog to the ACA for disposition.

B. Requirements for Dangerous Dog Owners Retaining the Dog.

1. Requirements. The Owner of a Dangerous Dog must either deliver the dog to the ACA for disposition or, no later than the 30th day after learning that the person is the Owner of a Dangerous Dog (and on annual basis for as long as the Owner retains possession of the Dangerous Dog), comply with the following and submit to the ACA proof of such compliance where required:

a. Register the dog (and continue registration with current proof of the following) on an annual basis with the ACA as follows:

(i) provide proof of compliance with the insurance requirements in Section VI.B.1.c;

(ii) provide proof of current rabies vaccination;

(iii) provide proof satisfactory to the ACA of a Secure Enclosure in which the dog is and will be kept when not on a leash under the Owner's direct control (or direct control of a person designated or allowed by the Owner). Such proof may include pictures, statements, or other evidence, including an on-site visit by the ACA, as determined by the ACA. The Secure Enclosure shall be clearly marked as containing a Dangerous Dog;

(iv) pay an annual fee in the amount as set forth in Attachment A to these Rules.

(v) attach the registration tag provided by the ACA to the dog's collar and;

(vi) within 14 days of moving the dog, provide the ACA notice of the new

address with the prior registration tag, pay a fee in the amount as set forth in Attachment A to these Rules, and place the new registration tag provided by the ACA on the dog's collar.

These registration requirements are in addition to those registration requirements set forth in Section IV.

b. Immediately ensure that the dog is restrained at all times on a leash in the immediate control of a person or in a Secure Enclosure. Failure to restrain the dog as required will subject the dog to immediate seizure and impound by the ACA.

c. Obtain liability insurance coverage or show financial responsibility in the following amounts to cover damages resulting from an attack by the dog on any person, livestock, domestic animal or fowl, and provide proof of such to the ACA on an annual basis:

(i) for acts against a person (III.H.1)	\$100,000.00
(ii) for acts against a livestock, a domestic animal or fowl (III.H.2)	\$ 10,000.00

d. Comply with all other requirements of the ACA contained in the Notification of Findings in which a Dangerous Dog determination has been made or imposed by the ACA pursuant to these Rules. Any additional requirements will be reasonably related to the proper enforcement of the applicable provisions of these Rules and provided to the Owner in writing by the ACA.

e. Notify the ACA in writing if the dog dies or if ownership of the dog is transferred to another person within 7 days of such death or transfer of ownership. If ownership is transferred, the written notice shall contain the new Owner's name, address and telephone number. The original Owner must notify the new Owner of the Dangerous Dog status of the dog prior to transferring ownership. The new Owner then becomes responsible for meeting all applicable requirements of these Rules.

f. Allow the ACA to identify the dog by microchip with the cost for such identification being born by the County if the procedure is performed at the City/County facility.

2. A person learns that the person is the Owner of a Dangerous Dog under Section B. 1. above when:

a. The Owner knows of an attack described under Section III.H;

b. The Owner receives notice that a court has made such determination related to proceedings under Section VI.C; or

c. The Owner is informed by the ACA that the dog is a Dangerous Dog under Section VI.A.

3. The status of "Dangerous Dog" remains with the dog regardless of ownership and the requirements of these Rules apply equally to the Owner in possession of the dog when the determination was made and any future Owner.

C. Failure to Comply.

1. Application.

a. Act Against a Person. Any person may make application by sworn statement to the appropriate court to determine that an Owner knowingly has possession of a Dangerous Dog under Section III.H.1 and has failed to comply with Section VI.B. A person will be considered to "knowingly have possession of a Dangerous Dog" if that person "learns" that the person has a Dangerous Dog as described under VI.(B)(2).

b. Act Against an Animal. Any person may make application by sworn statement

to the ACA to determine that an Owner knowingly has possession of a Dangerous Dog under Section III.H.2 and has failed to comply with Section VI.B. A person will be considered to "knowingly have possession of a Dangerous Dog" if that person "learns" that the person has a Dangerous Dog as described under VI.(B)(2).

2. Hearing.

a. Act Against a Person. On receipt of such application under VI.C.1.a., the court shall set a hearing date that is within 10 days of receiving the application and give written notice of such hearing date to the Owner, the applicant, and any other known interested parties.

b. Act Against an Animal. On receipt of such application under VI.C.1.b., the ACA shall set a hearing date that is within 10 days of receiving the application, and given written notice of such hearing date to the Owner, the applicant, and any other known interested parties.

3. Decision.

a. Act Against a Person. If the court determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against a person, the court shall order the ACA to seize the dog and shall issue a warrant authorizing the seizure. The Owner may appeal the decision of the court to the appropriate court. Nothing in this subsection prevents the ACA from seizing the dog at any time under this or any other applicable portion of these Rules.

b. Act Against an Animal. If the ACA determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against an animal, the ACA shall seize the dog. The Owner may appeal the decision of the ACA to the appropriate court. Nothing in this subsection prevents the ACA from seizing the dog at any time under this or any other applicable portion of these Rules.

4. Impound. Upon such court order or decision by the ACA under Subsection 3 above, the ACA shall seize and impound the dog.

5. Compliance.

a. Appeal. No further action shall be taken regarding the dog (other than the ACA continuing to impound the dog) if the Owner files an appeal under VI.C.3. until a final decision is issued under such appeal. If the decision of the appeals court is that the dog is not a Dangerous Dog or that the Owner has not failed to comply, the dog shall be immediately released to the Owner. If the appeals court agrees that the dog is a Dangerous Dog and that the Owner has failed to comply with applicable requirements of these Rules, (or if no appeal is filed) subsections "b" and "c" below will apply, with the time periods being measured from the date of such decision of the appeals court rather than the date the dog is seized.

b. Release. The court shall order the dog released to the Owner if the Owner:

(i) before the 11th day after the dog was seized, shows proof of compliance with applicable requirements; and

(ii) pays any cost (including necessary medical costs, as determined by a licensed veterinarian), fee or fines assessed by Grimes County related to the seizure, acceptance and impoundment.

c. Destruction.

(i) if the Owner does not fulfill the requirements of Section VI.C.5.b (i) and
(ii) within the 11 day time period, in the event the attack or acts were directed toward a person, the court shall order the ACA to humanely destroy the dog.

(ii) if the Owner does not fulfill the requirements of Section VI.C.5.b (i) and (ii) within the 11 day time period, in the event the attack or acts were directed toward livestock, a domestic animal or fowl, the court may make its own determination as to the action to be taken or submit the matter to the ACA for consideration by hearing as set forth in subsection VI.D.2 below. The Owner shall pay all costs related to the seizure, acceptance, impoundment and/or destruction of the dog (including necessary medical costs, as determined by a licensed veterinarian).

(iii) if the Owner of the dog is not found by the 15th day after the dog was seized, and the dog is a Dangerous Dog, the court shall order the dog humanely destroyed.

D. Attack by a Dangerous Dog. Subject to the following, Section 822.044 of Chapter 822 shall apply to any attack by a Dangerous Dog after such determination has been made:

1. After a dog has been determined to be a Dangerous Dog, notification of an attack by a Dangerous Dog on any person, livestock, or domestic animal or fowl shall be given to the ACA within 24 hours of the attack or as soon as such attack is known by any person to have occurred.

2. Attack on an Animal. The offense classifications of the statute (as set forth in Section VI.E. herein) shall only apply to attacks against a person. If the attack is against livestock, domestic animals or fowl, the attack shall be registered with the ACA. After one such registered attack (an attack made after the dog has been determined to be a Dangerous Dog), the dog shall be surrendered to the ACA. The ACA shall schedule a hearing to be held pursuant to VI.C with prior notice of such hearing to the Owner. Unless good cause shall be shown at the hearing as to why the dog should not be destroyed, the ACA shall humanely destroy the dog. If the ACA finds reason not to destroy the dog, and a second attack occurs, then the ACA must humanely destroy the dog.

E. Violation.

1. Attack by a Dangerous Dog Against a Person.

a. A person commits an offense if the person is the owner of a Dangerous Dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

b. An offense under this section is a Class C Misdemeanor, unless the attack causes Serious Bodily Injury or death, in which event the offense is a Class A Misdemeanor.

c. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person authorized under the AC Laws to perform such a procedure.

d. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having jurisdiction in the county where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county.

2. Any person who keeps a Dangerous Dog which was classified as such because of an attack or act upon a person and does not comply with all requirements of these Rules commits an offense which is a Class C Misdemeanor, unless it is shown at trial that the defendant has previously been convicted of an offense under this Subsection VI, in which case the offense is a Class B Misdemeanor. Defenses to prosecution under this Section VI are as set forth in Section 822.046 of Chapter 822. This Section VI.E applies only to a dog determined to be a Dangerous Dog as a result of an attack or acts against a person, and does not apply where the attack or acts were against livestock, a domestic animal or fowl.

VII. DOGS CAUSING DEATH OR SERIOUS BODILY INJURY TO A PERSON.

A. Grimes County adopts the provisions of 822.001 - 822.005 regarding dogs causing death of

or serious bodily injury to a person.

VIII. DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS.

A. Grimes County adopts the provisions of 822.012 - 822.013 regarding dogs and coyotes that are a danger to animals.

IX. DANGEROUS WILD ANIMALS.

A. Authority. Authority of Grimes County to adopt this Section IX. include TEXAS HEALTH AND SAFETY CODE, Section 822.101 et seq., and TEXAS LOCAL GOVERNMENT CODE, Section 240.002(a), under which the Grimes County Commissioners' Court may prohibit or regulate the ownership, possession, confinement, or care of certain animal(s) in the County.

B. Certificate of Registration Program. Grimes County hereby adopts the certificate of registration program related to Dangerous Wild Animals as set forth in Subchapter E, Section 822.101 through 822.116, TEXAS HEALTH AND SAFETY CODE, and those other requirements set forth in this Section IX. under the authority of the Commissioners' Court set forth in Section 822.116 of Chapter 822 to "regulate by ordinance or order the ownership, possession, confinement, or care of a Dangerous Wild Animal."

C. Definitions. As to this Section IX., these words have the following meanings:

1. "Dangerous "Wild Animal" means an animal of a species defined as a "dangerous wild animal" in Subchapter E, Section 822.101, TEXAS HEALTH AND SAFETY CODE. Those animals are, at the time of approval of these Rules: lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla or any hybrid of an animal listed herein.

2. "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 has custody or control.

D. Registration Program.

1. Application. In addition to those requirements for application set forth in Section 822.104 of Chapter 822, an applicant for an original or renewal certificate of registration for a Dangerous Wild Animal must file an application showing evidence that the applicant meets the requirements set forth herein to qualify as a Wildlife Sanctuary. Failure to submit acceptable proof of such status or to maintain such status will result in the denial or revocation of a certificate of registration under this Section IX.

2. Other Requirements. In addition, the applicant must show that the applicant, operating as a "Wildlife Sanctuary," as defined herein, fully complies with all other requirements of Section 822.101 - 822.116 of Chapter 822.

E. Offense.

1. Misdemeanor. 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. 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.

2. Penalties. Any person keeping a Dangerous Wild Animal in violation of this Order or the provisions of 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.

3. Injunction. The County Attorney may file an action in a district court to enjoin a violation or threatened violation of an order adopted under this Order pursuant to Section 240, LOCAL GOVERNMENT CODE.

F. Animal Registration Agency. The Animal Registration Agency for Grimes County is Grimes County Sheriff's Department or his/her designee.

X. **RABIES CONTROL**. Grimes County hereby adopts the non-conflicting provisions of Chapter 826 related to rabies control not specifically addressed herein, to be implemented as set follows:

A. Rabies Control Authority. Grimes County hereby designates the ACA as the Rabies Control Authority.

B. Vaccination.

1. Regular Vaccination. Except as otherwise provided by state rule, the Owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four (4) months of age and at regular intervals thereafter as prescribed by state rule.

2. Certificate. A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's Owner a certificate in a form that meets minimum state standards. Proof of vaccination is required before an animal can be registered or licensed.

3. Penalty. A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated pursuant to these Rules. Such offense is a Class C Misdemeanor, or a Class B Misdemeanor if the person has previously been convicted of this offense.

C. Reports of Rabies. A person who knows of a bite or scratch to a person that could reasonably be seen as capable of transmitting rabies or a person who suspects an animal is rabid shall report such to the ACA. The report must include the name and address of any victim and of the animal's Owner, if any; and any other helpful information.

D. Investigation. The ACA shall investigate any report made under Section X.C.

E. Quarantine and Release or Disposition of Quarantined Animals. Quarantine, release and/or disposition of animals held because of possible rabies will be carried out pursuant to Sections 826.042 through Section 826.055 of Chapter 826.

XI. **ESTRAY LIVESTOCK**. Grimes County adopts the provisions of TEXAS AGRICULTURE CODE ("TAC" herein) Chapter 142 regarding estray livestock.

A. Definitions. 142.001 TAC.

1. "Estray" means stray livestock, stray exotic livestock, or stray exotic fowl.

2. Repealed by Acts 2003, 78th Leg., Chapter 604, § 5.

3. "Person" does not include the government or a governmental agency or subdivision.

4. "Exotic livestock" means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer and antelope families but not including a mammal defined by Section 63.001, Parks and Wildlife Code, as a game animal, or by Section 71.001, Parks and Wildlife Code, as a fur-bearing animal, or any other indigenous mammal regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include a nonindigenous mammal located on publicly owned land.

5. "Exotic fowl" means any avian species that is not indigenous to this state. The term includes ratites but does not include a bird defined by Section 64.001, Parks and Wildlife Code, as a game bird or any other indigenous bird regulated by the Parks and Wildlife Department as an

endangered or threatened species. The term does not include nonindigenous birds located on publicly owned land.

B. Rights of Occupant Other Than Owner. 142.002 TAC. A person has the rights of an owner of property under this chapter if he is a part owner, a lessee, an occupant, or a caretaker of land or premises, but an owner and an occupant of the same property may not recover for the same damage.

C. Ownership of Exotic Wildlife and Fowl. 142.0021 TAC. A person may claim to be the owner of exotic livestock or exotic fowl under this chapter only if the animal is tagged, branded, banded, or marked in another conspicuous manner that can be read or identified from a long distance and that identifies the animal as being the property of the claimant.

D. Discovery of Estray; Notice. 142.003 TAC.

1. If an estray, without being herded with other livestock, roams about the property of a person without that person's permission or roams about public property, the owner of the private property or the custodian of the public property, as applicable, shall, as soon as reasonably possible, report the presence of the estray to the Sheriff of the county in which the estray is discovered.

2. After receiving a report under Subsection (1) of this section that an estray has been discovered on private property, the sheriff or the Sheriff's designee shall notify the owner, if known, that the estray's location has been reported.

3. After receiving a report under Subsection (1) of this section that an estray has been discovered on public property, the Sheriff or the Sheriff's designee shall notify the owner, if known, that the estray's location has been reported, except that if the Sheriff or his designee determines that the estray is dangerous to the public, he may immediately impound the estray without notifying the owner. If the owner does not immediately remove the estray, the Sheriff or the Sheriff's designee shall proceed with the impoundment process prescribed by Section 142.009 of this code.

E. Redemption. 142.004 TAC.

1. The owner of the estray may redeem the estray from the owner or occupant of public or private property by the payment of fees and damages as provided by this chapter if:

a. The owner of the estray and the owner or occupant of the property agree to a redemption payment amount and the owner or occupant of the property receives the redemption payment from the owner of the estray; or

b. A justice court having jurisdiction determines the redemption payment amount and gives the owner of the estray written authority to redeem the estray under Section 142.006.

2. If the owner of the estray does not redeem the estray not later than the fifth day after the date of notification, the Sheriff or the Sheriff's designee shall proceed immediately with the impoundment process prescribed by Section 142.009 unless the Sheriff or the Sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Subsection (1) of this code. During the impoundment process period, the estray may not be used for any purpose by the owner or occupant of the property.

F. Collection Fee. 142.005 TAC.

1. If the Sheriff or the Sheriff's designee is present at the time of the collection of the estray, the Sheriff or the Sheriff's designee may require the owner of the estray to pay before the estray is removed a collection fee in an amount set by the Sheriff not to exceed \$25.

2. A person who disagrees with the amount of the fee set by the Sheriff under Subsection (1) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

G. Amount of Redemption Payment. 142.006 TAC.

1. The owner or occupant of property on which an estray is found, held, or impounded is entitled to receive from the owner of the estray the payment of a reasonable amount for maintenance and damages, if the original notice of the discovery of the estray was given to the Sheriff not later than the fifth day after the date of discovery.

2. The owner or occupant of the property may accept payment in an agreed amount from the owner of the estray.

3. If the owner of the estray and the owner or occupant of the property are unable to agree to a redemption payment, either party may file a petition under Section 142.007 in the justice court having jurisdiction and have the amount of the payment determined by the justice of the peace. The justice of the peace shall determine the redemption payment amount and give the owner of the estray written authority to redeem the estray on payment of that amount to the owner or occupant of the property.

4. If the owner of the property files a petition under Subsection (3) of this section, the owner of the estray is entitled to remove the estray.

H. Justice Court Petition. 142.007 TAC. A petition seeking a justice court determination of the amount of a redemption payment or the amount of a collection fee must contain the following information:

1. The name of the owner of the estray;
2. A description of the estray;
3. The number of days the estray was trespassing;
4. The name of the owner or occupant of the property;
5. The purpose for which the land on which the trespass occurred is used; and

6. A statement that the estray owner and the owner or occupant of the property are unable to agree on the amount of the payment.

I. Appeal of Court Award. 142.008 TAC.

1. If either the owner of the estray or the owner or occupant of the public or private property disagrees with a justice's assessment of the payment amount under Section 142.005(b) or 142.006(b-1), the amount in question shall be finally determined according to the procedure prescribed by this section.

2. The complainant begins the appeal by filing a petition that gives the information listed in Section 142.007 of this code.

3. The justice of the peace shall appoint three disinterested persons familiar with livestock and agriculture who reside in the county as special commissioners to determine the amount owed, if any, to the owner of the property or the Sheriff, taking into account the time of the notice of discovery given by the property owner.

4. At the request of the special commissioners for their proceedings, the justice of the peace may compel the attendance of witnesses and the production of testimony, administer oaths, and punish for contempt. The commissioners decision as to the amount of any payment is final.

J. Impoundment of Estray. 142.009 TAC.

1. The Sheriff or the Sheriff's designee shall impound an estray and hold it for disposition as provided by this chapter if:

- a. The owner of the estray is unknown;

- b. The Sheriff or the Sheriff's designee is unable to notify the owner;
 - c. The estray is dangerous to the public;
 - d. The estray is located on public property and, after notification, is not immediately removed by the owner; or
 - e. The estray is located on public or private property and is not redeemed not later than the fifth day after the date of notification, unless the Sheriff or Sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Section 142.004(a).
2. After impounding an estray, the Sheriff or Sheriff's designee shall prepare a notice of estray stating at least:
- a. The name and address of the person who reported the estray to the Sheriff;
 - b. The location of the estray when found;
 - c. The location of the estray until disposition; and
 - d. A description of the animal, including its breed, if known, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics.
3. The Sheriff or Sheriff's designee shall file each notice of estray in the estray records in the office of the county clerk.
4. If the owner of the estray is unknown, the Sheriff or the Sheriff's designee shall make a diligent search for the identity of the owner of the estray, including a search in the county register of recorded brands, if the animal has an identifiable brand. If the search does not reveal the owner, the Sheriff shall advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the 15 days after the date of impoundment and shall post a notice of the impoundment on the public notice board of the courthouse.

K. Recovery of Impounded Estrays By Owner. 142.010 TAC.

1. The owner of an estray may recover possession of the estray at any time before the estray is sold if:
- a. The owner has provided the Sheriff or the Sheriff's designee with an affidavit of ownership under this section;
 - b. The Sheriff or the Sheriff's designee has approved the affidavit of ownership;
 - c. The approved affidavit of ownership has been filed in the estray records of the county clerk;
 - d. The owner has paid all estray handling expenses under this section;
 - e. The owner has executed an affidavit of receipt of the estray under this section and delivered it to the Sheriff; and
 - f. The Sheriff has filed the affidavit of receipt of estray in the estray records of the county clerk.
2. An affidavit of ownership must contain at least the information:
- a. The name and address of the owner;
 - b. The date the owner discovered that the animal was an estray;

- c. The property from which the animal strayed;
- d. A description of the animal, including its breed, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics; and
- e. A sworn statement that the affiant is the owner or caretaker of the animal.

3. The owner of the estray shall pay the expenses incurred by a person or by a Sheriff, Sheriff's designee, or the county in impounding, handling, seeking the owner of, or selling the estray. The Sheriff is also entitled to a collection fee as provided by Section 142.005 of this code. The total amount of the payment is determined by the Sheriff.

4. A person who disagrees with the amount of the payment set by the Sheriff in Subsection (c) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

5. An affidavit of receipt of estray must contain at least the following information:
- a. The name and address of the person receiving the estray;
 - b. The date of receipt of the estray;
 - c. The method of claim to the estray, either previous owner or purchaser at sale;
 - d. If the purchased at sale, the amount of the gross purchase price of the estray;
 - e. The estray handling expenses paid; and
 - f. The net proceeds of any sale of the estray.

L. Use of Estray. 142.011 TAC. During the period an estray is held by the Sheriff, the estray may not be used for any purpose.

M. Escape or Death of Impounded Estray. 142.012 TAC. If the animal dies or escapes while impounded, the Sheriff shall make a written report of the death or escape and file the report with the county clerk for placement in the county estray records.

N. Disposition or Sale of Impounded Estrays. 142.013 TAC.

1. If the ownership of an estray is not determined before the third day after the date of the final advertisement under this chapter or if the estray is not redeemed before the 18th day after the date of impoundment, the county has title to the estray and the Sheriff shall, except as provided by Subsection (5), cause the estray to be sold at a Sheriff's sale or public auction licensed by the United States Department of Agriculture. Title to the estray is considered vested in the Sheriff or the Sheriff's designee for purposes of passing good title, free and clear of all claims, to the purchaser at the sale or for the purposes of Subsection (5).

2. The Sheriff shall receive the proceeds of the sale and shall allocate those proceeds in the following order of priority:

- a. Payment of the expenses of sale;
- b. Payment of the impoundment fee and other charges due the Sheriff; and
- c. If applicable, payment of any amount for maintenance and damages due the owners of the private property from which the estray was impounded.

3. The Sheriff shall execute a report of sale of impounded livestock and file the report in the estray records of the county clerk.

4. If there are sale proceeds remaining from the sale of an impounded estray after all expenses have been paid, the Sheriff shall pay the balance to the owner, if known. If the owner is still unknown, the Sheriff shall pay the balance to the county official charged with collecting and disbursing county funds, who shall deposit any payment received to the credit of the jury fund of the county for the uses made of that fund, subject to claim by the original owner of the estray.

5. If a Sheriff determines that the sale of an estray under this section is unlikely to generate sufficient proceeds to cover the expense of the sale, the Sheriff may, instead of selling the estray:

- a. Donate the estray to a nonprofit organization; or
- b. Retain the estray and use it for county purposes.

O. Recovery by Owner of Proceeds of Sale. 142.014 TAC. Not later than the 180th day after the date of sale of an estray under this chapter, the original owner of the estray may recover the net proceed of the sale if:

1. The owner has provided the Sheriff with an affidavit of ownership containing the information prescribed by Section 142.010(b);
2. The Sheriff has approved the affidavit;
3. The approved affidavit has been filed in the estray records of the county clerk; and
4. The Sheriff has signed a county voucher directing the payment.

XII. STOCK LAW.

Grimes County having held elections which resulted in favor of a stock law regarding the running at large of horses, mules, jacks, jennets, cattle, hogs, sheep, and goats adopts the following relevant sections of TEXAS AGRICULTURE CODE, Chapter 143.

A. Penalty. 143.034 TAC. (All above-mentioned animals other than cattle)

1. A person commits an offense if the person knowingly:
 - a. Turns out or causes to be turned out on land that does not belong to or is not under the control of the person an animal that is prohibited from running at large under this subchapter;
 - b. Fails or refuses to keep up an animal that is prohibited from running at large under this subchapter;
 - c. Allows an animal to trespass on the land of another in an area or county in which the animal is prohibited from running at large under this subchapter; or
 - d. As owner, agent, or person in control of the animal, permits an animal to run at large in an area or county in which the animal is prohibited from running at large under this subchapter.

2. An offense under this section is a Class C Misdemeanor.

B. Penalty. 143.082 TAC. (cattle only)

1. A person commits an offense if the person knowingly permits a head of cattle to a run at large in a county or area that has adopted this subchapter.
2. An offense under this section is a Class C Misdemeanor.

C. Definition. 143.101 TAC. In this subchapter, "highway" means a U.S. highway or a state highway in this state, but does not include a numbered farm-to-market road.

D. Running at Large on Highway Prohibited. 143.102 TAC. A person who owns or has responsibility for the control of a horse, mule, donkey, cow, bull, steer, hog, sheep, or goat may not knowingly permit the animal to traverse or roam at large, unattended, on the right-of-way of a highway.

E. Immunity From Liability. 143.103 TAC. A person whose vehicle strikes, kills, injures, or damages an unattended animal running at large on a highway is not liable for damages to the animal except as finding of:

1. Gross negligence in the operation of the vehicle;
2. Wilful intent to strike, kill, injure, or damage the animal.

F. Herding of Livestock Along Highway. 143.104 TAC. This subchapter does not prevent the movement of livestock from one location to another by herding, leading, or driving the livestock on, along, or across a highway.

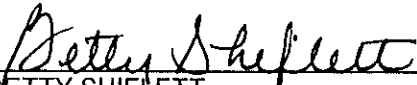
G. Penalty. 143.108 TAC.

1. A person commits an offense if the person violates Section 143.102 of this code.
2. An offense under this section is a Class C Misdemeanor.
3. A person commits a separate offense for each day that an animal is permitted to roam at large in violation of Section 143.102 of this code.

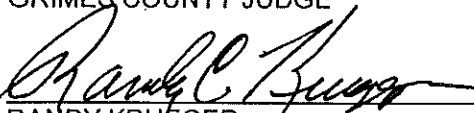
XIII. EFFECTIVE DATE. These Rules shall be effective 13th day of September, 2011.

APPROVED this the 13th day of September, 2011 by a vote of 3 ayes and 0 nays.


SIGNED this 13 day of September, 2011.


BETTY SHIFLETT
GRIMES COUNTY JUDGE

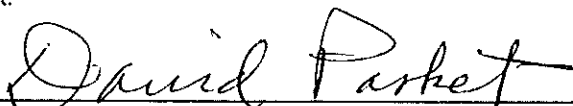
Absent
JOHN BERTLING
COMMISSIONER PRECINCT 1


RANDY KRUEGER
COMMISSIONER PRECINCT 2


JULIAN MELCHOR, JR.
COMMISSIONER PRECINCT 3


PAM FINKE
COMMISSIONER PRECINCT 4

Attest:


DAVID PASKET
GRIMES COUNTY CLERK

ATTACHMENT A

SCHEDULE OF FEES

Impound Fee	\$40.00
Sterilization Deposit Charged for animals that have not been sterilized; to be returned upon showing of proof by Owner that the animal has been sterilized.	\$50.00
Per Day Impound/Boarding	\$10.00 per day
Registration of Dangerous Dog	
Under F.1 (Action against a person)	\$50.00
Under F.2 (Action against livestock, a domestic animal or fowl)	\$50.00
Change of Address of Dangerous Dog	
Under F.1 (Action against a person)	\$25.00
Under F.2 (Action against livestock, a domestic animal or fowl)	\$25.00