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Order to adopt Matagorda County Animal Regulations

BE IT REMEMBERED, that on this 5th day of October, 2020, the Commissioner's Court of Matagorda County, Texas met in **Regular Session**, with a quorum in attendance, and upon motion duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to adopt Matagorda County Animal Regulations.

PASSED IN OPEN COURT this 5th day of October, 2020.



**Nate McDonald, County Judge
Matagorda County, Texas**

MATAGORDA COUNTY ANIMAL REGULATIONS

SECTION I. AUTHORITY

- A. These Regulations are promulgated pursuant to and in conformity with the following statutory authority:
1. The Rabies Control Act of 1981, specifically including the authority granted in sections 826.014, 826.017, 826.031 and 826.033 of that Act, located in Chapter 826 of the Texas Health and Safety Code and the rules promulgated thereunder.
 2. Subchapter D, Chapter 822 of the Texas Health and Safety Code, specifically including the authority granted in § 822.047 which provides for the regulation of dangerous dogs.
 3. Subchapter D, Chapter 821 of the Texas Health and Safety Code, specifically the authority granted in sections 821.076 and 821.077 relating to the unlawful restraint of dogs.
- B. It is the purpose of the Commissioners Court of Matagorda County to exercise its authority to impose reasonable and uniform regulations for animal control in Matagorda County, Texas. These Regulations are adopted to protect the health, safety and general welfare of people in Matagorda County and also to protect the health, safety and general welfare of animals kept in Matagorda County by preventing the spread of rabies and other zoonotic diseases and by reducing the risk of injury to people from animals kept in Matagorda County, Texas.
- C. These Regulations do not limit nor expand any other legal remedy available to any person, or to the County, under the laws of Texas and the United States for any injury or claim related to the keeping of an animal, nor do these Regulations serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.
- D. Matagorda County Environmental Health Department (MCEH), through its Animal Control Division ("MCEH ACD"), is the entity designated as the local rabies control authority for Matagorda County pursuant to section 826.017 of the Health & Safety Code. MCEH ACD shall act as the county's animal control authority for purposes of Chapter 822 of the Health & Safety Code. MCEH ACD is authorized to enforce these Regulations and all laws applicable to the county's local rabies control authority and animal control authority and is authorized to issue citations in the unincorporated area of Matagorda County, Texas to enforce these Regulations pursuant to Texas Health & Safety Code § 121.003 (c).
- E. These Regulations supersede the Rabies Control Act and the rules promulgated thereunder only to the extent that dual enforcement would occur. The Rabies Control Act and the rules thereunder are effective as to any matter not addressed in these Regulations.
- F. These Regulations apply to all portions of unincorporated Matagorda County. These Regulations apply to incorporated cities or towns that adopt these Regulations and execute cooperative agreements with Matagorda County for their enforcement.

SECTION II. CONSTRUCTION

- A. The Code Construction Act of Texas applies for the purpose of construing these Regulations unless an alternative instruction, definition or application is contained in these Regulations.
- B. The word "shall" is mandatory and not discretionary as used in these Regulations.
- C. The word "Regulation" includes "rule" "ordinance" or "order" and all have the same meaning as applied to these Regulations.
- D. These Regulations must be liberally construed to give effect to their purpose and intent.

SECTION III. DEFINITIONS

Unless the context demonstrates a different application, for the purposes of these Regulations the following words have the following meaning:

Animal: Non-human, warm-blooded and cold-blooded living creatures.

Animal Control Officer: The person or persons employed by MCEH ACD to enforce these Regulations.

Animal Shelter: A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals and complies with the standards and requirements of animal shelters prescribed in chapters 823 and 826 of the Texas Health & Safety Code.

Attack: Acts by an animal that cause a person bodily injury.

Bite: Any abrasion, scratch, puncture, tear or piercing of the skin that causes bleeding and is caused by or suspected of being caused by an animal.

Cat: Any live domestic cat (*Felis catus*)

Commissioners Court: The Commissioners Court of Matagorda County, Texas;

County: Matagorda County, Texas;

Currently Vaccinated: An animal that is "currently vaccinated" as the term is defined in 25 T.A.C. §169.22, i.e., an animal that is vaccinated and satisfying the following criteria: (A) The animal must have been vaccinated against rabies according to the label recommendations of a United States Department of Agriculture (USDA) approved vaccine; (B) At least 30 days have elapsed since the initial vaccination; and (C) The time elapsed since the most recent vaccination has not exceeded the label recommendations of the vaccine.

Custodian: A person or agency which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal, including, but not limited to, the owner of the animal.

Dangerous Dog: A dog that

1. makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
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 the 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.

Dog: Any live domestic dog (*Canis familiaris*) including hybrids.

Enclosure: A cage, crate, pen, corral, case, aquarium, building, or other place used solely for the primary housing of an animal or for the transportation of an animal.

Exposed to rabies: Any dog or cat or other animal (whether it has been licensed or vaccinated for rabies or not) which has been bitten, has fought with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

MCEH ACD: The Animal Control Division of the Matagorda County Environmental Health Department, its employees and agents.

Humanely Euthanize: To cause the death of an animal by a method which rapidly produces unconsciousness and death without visible evidence of pain or distress or utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

Impound: The apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary, the destruction of any animal by an animal control officer.

Impounding Facility: Any premises approved by the Texas Department of State Health Services and designated by Matagorda County for the purpose of impounding or caring for all animals found in violation of these Regulations including, but not limited to, the animal shelter operated by the City of Bay City.

Environmental Health Department: The agents and officers (including the Local Rabies Authority) of the Matagorda County Environmental Health Department as the duly appointed agency to enforce these Regulations.

Non-Transferable: Cannot be transferred from one custodian to another, from one animal to another, nor from one location to another.

Owner: Any person that harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog or cat. It is a rebuttable presumption that the occupant of any premises on which a dog or cat remains for a period of ten (10) days or to which it customarily returns daily for a period of ten (10) days is harboring, sheltering or keeping the aforementioned dog or cat, within this definition. If a minor owns a dog or cat or other animal subject to the provisions of these

Regulations, his or her parent, or guardian is deemed the custodian of such dog or cat or other animal.

Person: Includes an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Restraint: The control of a dog or cat under the following circumstances:

1. When it is controlled by a line or leash not more than six (6) feet in length, if the line or leash is held by a human being who is capable of controlling or governing the dog or cat in question; or
2. When it is within a fully enclosed vehicle; or
3. When it is on the premises of the custodian and the animal does not have access to a sidewalk or street.

Secure Enclosure: A fenced area or a structure that is locked; is capable of preventing the entry of the general public; is capable of preventing the escape or release of the animal confined therein; and is marked as containing a dangerous dog or a dangerous or restricted animal as required by these Regulations.

State: The State of Texas.

Stray: Any animal not under restraint as defined by these Regulations. The display of a vaccination tag or license tag does not change the fact that the dog or cat is a stray for the purposes of these Regulations.

Unincorporated Matagorda County: That portion of Matagorda County that is not within the incorporated boundaries of a municipality, town, or village.

Unprovoked: With respect to an attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched, or squeezed by a person.

Vaccinated: Properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

Vaccination Certificate: A document bearing the signature or signature stamp and license number of a licensed veterinarian and the following information: the rabies tag number; the name, size, color, sex, species, age and breed of a dog or cat; the name, phone number and address of the custodian; the date of the rabies vaccination and the expiration date, serial number, producer and vaccine used.

SECTION IV. RESTRAINT AND IMPOUNDMENT

- A. All dogs and cats must be kept under restraint while in the unincorporated areas of Matagorda County, Texas. The custodian of a dog or cat is not authorized to have, harbor or keep any unlicensed dog or cat, or to allow any dog or cat to become a stray.

- B. The custodian of every dog or cat is responsible for any behavior of a dog or cat under the provisions of these Regulations.
- C. MCEH ACD and other persons designated by MCEH ACD have the authority to impound the following:
 - 1. All stray dogs and cats;
 - 2. Any animal that has bitten or scratched a person; and
 - 3. Any animal that has been exposed to rabies.
- D. All animals seized and confined under this section should be impounded in an impoundment facility designated by MCEH ACD.
- E. Animal Control Officers are authorized to enter any unsecured or unfenced lot, tract or parcel of land for the purpose of seizing any stray dog or cat.
- F. Nothing in these Regulations should be construed as authority for Animal Control Officers, employees or their agents to enter buildings unless:
 - 1. the owner or other person with control over the premises consents to entry,
 - 2. a valid warrant is obtained, or
 - 3. exigent circumstances exist such that there is necessity to act immediately to protect or preserve life or to prevent serious injury to a person or an animal.
- G. Each stray dog or cat is a public nuisance.
- H. When dogs or cats are stray and their ownership is known to the Animal Control Officer, the officer has the discretion to:
 - 1. impound the animal; or
 - 2. cite the custodian of the animal to appear in a justice of the peace court to answer charges of violation of these Regulations; or
 - 3. impound the animal and cite the custodian of the animal to appear in a justice of the peace court to answer charges of violation of these Regulations; or
 - 4. issue the custodian of the animal a warning for violation of these Regulations and return the animal to its custodian.
- I. Upon receiving any dog or cat, MCEH ACD should make a complete record of the breed, color and sex of the animal and the place and time it was caught. If the animal has a microchip tag, the name and address of the custodian and the number of the vaccination and/or microchip tag is to be included in the record.
- J. *No-Kill Statement.* Matagorda County is supportive of a no-kill ordinance. At this time, the County does not have a facility capable of putting a no-kill ordinance in place. Once

the County obtains a facility with the design and capacity necessary, the County will institute a no-kill ordinance and policies.

- K. The custodian of any impounded animal may redeem such dog or cat during regular business hours of the City of Bay City animal shelter, prior to the animal's destruction, by contacting the impound and paying appropriate fees.
- L. The City of Bay City is authorized to waive or reduce a fee when financial hardship would otherwise prevent a custodian from claiming a dog or cat and the animal, if not reclaimed, would contribute to overcrowding at the shelter or would be euthanized. The City of Bay City may consider a custodian's assets, liabilities, income, expenses, and extenuating circumstances in determining financial hardship.
- M. The City of Bay City shall keep all healthy unclaimed dogs and cats for a period of three (3) working days. At the expiration of that time if a dog or cat has not been claimed or redeemed by the custodian it may be transferred to other animal welfare agencies for adoption or humanely euthanized. All actions taken under this section shall be conducted as required under the Animal Welfare Act (7 U.S.C. § 2131 et. seq.).
- N. All animals impounded under these Regulations that are not redeemed, adopted, or sold, transferred to other animal welfare agencies shall be humanely euthanized.
- O. No person may interfere with, hinder or molest any Animal Control Officer, or other party designated by MCEH ACD, in the performance of any duty delegated in these Regulations, nor shall any person seek to release any animal impounded under the provisions of these Regulations except as herein provided. Interference shall be unlawful and prosecuted as a Class C Misdemeanor.

SECTION V. ANIMAL CONTROL OFFICERS

- A. MCEH ACD, is the entity designated as the local rabies control authority for Matagorda County pursuant to section 826.017 of the Health & Safety Code. MCEH ACD shall act as the county's animal control authority for purposes of Chapter 822 of the Health & Safety Code. MCEH ACD is authorized to enforce these Regulations and all laws applicable to the county's local rabies control authority and animal control authority and is authorized to issue citations in the unincorporated area of Matagorda County, Texas to enforce these Regulations pursuant to Texas Health & Safety Code § 121.003 (c).
- B. MCEH ACD officers shall be trained and certified in accordance with Chapter 829 of the Texas Health and Safety Code.
- C. The Animal Control Officer(s) shall have the responsibility for the following duties:
 - 1. Enforcement of the requirements of this ordinance, the provisions of Chapter 826 Texas Health and Safety Code, Texas Department of Health rules comprising the minimum standards for rabies control, and the rules established by the Texas Department of Health in the event of the declaration of an area rabies quarantine.

2. Investigation of reports of stray dogs or cats or other animals in the unincorporated portions of Matagorda County, and the performance of any impoundment or regulation procedures authorized by this order.
3. Maintenance of appropriate records pertaining to the enforcement of this order.
4. Authority to issue citation to and file in the appropriate court a complaint on any persons alleged to have violated one or more provision of this order.
5. Conducting him/herself in a proper law-abiding manner and avoiding the use of inhumane or unnecessary force on animals in the officer's possession or under his or her care or control.

SECTION VI. RABIES VACCINATIONS

- A. It shall be unlawful for a person to fail or to refuse to have each cat or dog owned by the person vaccinated against rabies by the time the animal is over three (3) months of age and annually.
- B. It shall be unlawful to keep or maintain in the unincorporated portions of Matagorda County a dog or cat over the age of three (3) months that does not have a current vaccination for rabies.
- C. The veterinarian vaccinating any dog or cat against rabies shall deliver to the animal's custodian a vaccination certificate, as approved by the Texas Board of Health, and a numbered metal tag corresponding to the certificate. The veterinarian shall maintain a record of the vaccination for at least two (2) years showing date of issuance and serial number of each tag issued, the name and address of the animal's custodian, and a brief description of the cat or dog vaccinated. On request, a veterinarian shall provide to the Animal Control Officer ownership information on any animal contained in the veterinarian's vaccination records.
- D. It shall be unlawful for any person to allow a dog or cat over the age of three (3) months to be at large without wearing a current metal vaccination tag as issued by a veterinarian. It shall also be unlawful to cause a dog or cat to wear attached to its collar, or otherwise, a vaccination tag not issued for that dog or cat.

SECTION VII. RABIES CONTROL

- A. Any person having knowledge of an animal biting a human must report the incident to MCEH ACD as soon as possible. The reporter shall fill out an incident report and include the name and address of the victim and the animal's custodian, if known, and any other information that may help in locating the victim and/or the animal. It shall be unlawful for any person to fail to report an animal bite that could be reasonably foreseen as capable of transmitting rabies.
- B. MCEH ACD shall obtain custody of the animal in accordance with subsection C of Section IV of these Regulations and investigate each bite incident.

- C. When an animal that has bitten a human has been identified, the custodian must place that animal in quarantine at the City of Bay City impound for a period of not less than ten (10) days following the bite or exposure that constitutes a risk. If the custodian refuses to quarantine, the animal's brain shall be submitted for testing. The costs of quarantine and/or testing are borne by the custodian.
- D. Should an animal that has been vaccinated, and is properly confined or restrained on the custodian's premises, bite a person who is trespassing on the custodian's property, the animal shall be quarantined. The custodian may request all fees incident to a veterinary examination and quarantine through a separate hearing (not set or created by a MCACO) against the individual bitten during trespassing on the custodian's premises.
- E. A custodian must submit for quarantine an animal that is reported to be rabid or to have exposed an individual to rabies; or that the custodian knows or suspects is rabid or to have exposed an individual to rabies. Failure of a custodian to submit an animal to the Animal Control Officer as requested shall be unlawful.
- F. A quarantine is conducted as required by the Rabies Control Act, set out in Chapter 826 of the Texas Health and Safety Code, and the Regulations and Regulations adopted pursuant to that statute, as amended.
- G. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the Animal Control Officer shall release the animal to the custodian at the expiration of the quarantine period if the custodian has an unexpired rabies vaccination certificate for the animal, or the animal is vaccinated against rabies before release at the custodian's expense.
- H. If a veterinarian determines that a quarantined animal does show the clinical signs of rabies, the Animal Control Officer shall immediately and humanely euthanize the animal. If the animal dies or is euthanized during quarantine, the head or brain of the animal shall be removed and submitted to a Texas Department of Health laboratory for testing.
- I. The custodian of an animal quarantined under this order or state law shall be responsible for paying the veterinarian and the City of Bay City Impound all reasonable costs of the quarantine and disposition of the animal (if necessary). In the event the custodian fails to redeem the quarantined animal within three (3) days following the expiration of the quarantine period, the Animal Control Officer may humanely destroy the animal.
- J. If the custodian of a quarantined animal is unknown, the animal shall be considered a stray and handled in accordance with this order.
- K. Should any custodian fail or refuse to comply with the provisions of this section, a justice court may, upon a finding of probable cause based on the affidavit of a credible person showing that the animal in question bit an individual, or is reasonably believed to have rabies or to have been exposed to rabies, issue an order to the Animal Control Officer or any peace officer directing that any suspect animal be seized and impounded for quarantine

observation in accordance with this order. The expense of such quarantine shall be paid by the custodian.

SECTION VIII. VIOLATIONS AND ENFORCEMENT OF RABIES CONTROL

- A. Each of the following is a Class C misdemeanor:
1. A person commits an offense if he/she knowingly fails or refuses to have each dog or cat for which that person is the custodian vaccinated against rabies;
 2. A person commits an offense if he/she knowingly fails or refuses to license any dog or cat for which that person is the custodian and is required to be licensed;
 3. A person commits an offense if he/she knowingly fails or refuses to restrain any dog or cat for which that person is the custodian, in the unincorporated area of Matagorda County, Texas;
 4. A person commits an offense if he/she knowingly fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine.
 5. A person commits an offense if he/she knows that a cat or dog bit a human and fails to report it to MCEH ACD.
- B. If on trial of an offense under this order, the court finds that the person has been previously convicted of an offense under this order, the offense is a Class B Misdemeanor.

SECTION IX. REGULATIONS FOR DANGEROUS DOGS

- A. Not later than the 30th day after a person who owns or has custody or control of a dog learns that he/she owns or has custody or control of a dangerous dog, the person must:
1. The person who owns or has custody or control of the dog provides proof that the dangerous dog has been spayed or neutered. The only exceptions to this spaying or neutering requirement shall be if MCEH ACD or a licensed veterinarian confirms in writing that either the dog is past the age for breeding, or its condition otherwise makes it inadvisable to spay or neuter the dog.
 2. The person who owns or has custody or control of the dog obtained liability insurance coverage or showing financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and has provided proof of the liability insurance/financial responsibility to MCEH ACD.
 3. The dangerous dog has been implanted with an identifying computer microchip compatible with the scanning equipment utilized by MCEH ACD. The information contained in the microchip must be reported to MCEH ACD.
 4. The person who owns or has custody or control of the dog has obtained prior approval from MCEH ACD that the enclosure is constructed to satisfy the secure enclosure requirement set forth in subsection C, below.

5. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure, as described in subsection C., below.
 6. Notify MCEH ACD of any attack the dangerous dog makes on a person immediately or no later than twenty-four (24) hours of the attack.
- B. The dangerous dog, shall:
1. wear a collar at all times which is brightly neon colored and contains the words "Dangerous Dog" in big black lettering;
 2. be transported only within a fully enclosed vehicle and a "Dangerous Dog" sign must be posted in a window on each side of the vehicle.
- C. To qualify as a "secure enclosure" under subsection A (5), above, the following requirements must be met:
1. The dangerous dog must be kept in a secure enclosure which prevents the dog from escaping as well as protects the general public from physical access to and/or contact with the dog.
 2. The secure enclosure shall:
 - (a) have a cement floor, unless another material and/or the construction used is as good as a cement floor in preventing the dog from digging or escaping from the enclosure;
 - (b) have a cover or fixed top if the dog is capable of climbing or jumping;
 - (c) have walls which consist of not less than nine (9) gauge chain link or equivalent;
 - (d) have dimensions of 10ft(L)x10ft(W)x6ft(H).
 3. Whether a structure qualifies as a "secure enclosure" is subject to MCEH ACD's approval, and, in this connection:
 - (a) the person who owns or has custody or control of an animal must give MCEH ACD reasonable access to inspect the enclosure;
 - (b) MCEH ACD may require the person who owns or has custody or control to make structural changes within a certain reasonable time to make the enclosure secure; and
 - (c) a structure shall be deemed not to qualify as a secure enclosure if the person who owns or has custody or control does not give MCEH ACD reasonable access to inspect the enclosure or if structural changes required by MCEH ACD are not performed.
 4. The secure enclosure must be clearly marked as containing a "Dangerous Dog" on each side of the enclosure.

5. When the dangerous dog is outside of the secure enclosure, the dog must be controlled by a line or leash not more than six (6) feet in length; the line or leash must be held by a person capable of controlling the dog; and the dog must be humanely muzzled.
- D. If the dangerous dog is transferred to a new location, not later than the seventh (7th) day after the date of the transfer the person who owns or has custody or control shall notify MCEH ACD of the change of location and provide the new address of the dog.
 - E. If ownership, custodianship, or control of the dog changes, the name and address of the new person who owns or has custody or control must be provided to MCEH ACD. In connection with a change in the ownership, custodianship, or control of a dangerous dog:
 1. MCEH ACD will notify the new person who owns or has custody or control and the appropriate animal control authority in the area where the dog has been transferred that the dog has been previously determined to be a dangerous dog in Matagorda County.
 2. A dangerous dog shall not be transferred to another individual in Matagorda County.
 - F. Compliance with these Regulations for dangerous dogs is in addition to and concurrent with compliance with rabies control rules and quarantine requirements as set forth in these Regulations and under state law.

SECTION X. VIOLATIONS AND ENFORCEMENT OF DANGEROUS DOG RESTRICTIONS

- A. A person who owns or has custody or control of a dangerous dog commits an offense if the person fails to comply with any provision of Section VIII of these Regulations. An offense defined in this section is a Class C misdemeanor unless it is shown at trial that the defendant has previously been convicted of a violation identified in this section, in which case an offense is a Class B misdemeanor.
- B. Each violation of these Regulations constitutes an act in contempt of Commissioners Court. Commissioners Court has the power to enforce its orders by civil contempt and may punish contempt by fine or imprisonment pursuant to Section 81.024 of the Local Government Code. Each and every day a person fails to comply with these Regulations is a separate violation.
- C. The restrictions and requirements of Sections VIII of these Regulations may be enforced concurrently with Chapter 822, Subchapter D, of the Texas Health and Safety Code, as amended. These Regulations do not restrict or limit the power of the County or State to choose to prosecute any person for criminal or civil penalties pursuant to that subchapter in addition to or as an alternative to prosecution under these Regulations.
- D. If any person violates any provision of Section VIII so that there is a threat to public health and safety, MCEH ACD may notify the County Attorney and request authorization from Commissioners Court to file suit to enjoin the violation.

SECTION XI. DEFENSES

- A. It is a defense to prosecution under these Regulations that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the dog in connection with that position.
- B. It is a defense to prosecution under these Regulations that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- C. It is a defense to prosecution under these Regulations that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413)(29bb), Vernon's Texas Civil Statutes).

SECTION XII. REGULATION OF SALE AND SOLICITATION OF LIVE ANIMALS

- A. The sale of live animals is banned if it occurs on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot. Sale is defined to include trade, barter, lease, rent, give away, display for a commercial purpose, solicit, or accept a donation or a placement fee.
- B. The erection, maintenance, or placement of a structure by a vendor of live animals is banned from a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.
- C. Subsections A and B do not apply to and do not ban the adoption, solicitation, or sale of live animals in a parking lot by Matagorda County acting through Veterinary Public Health or its agents or by other municipalities within Matagorda County.

SECTION XIII. VIOLATIONS AND ENFORCEMENT OF SALE AND SOLICITATION OF LIVE ANIMALS.

- A. A person commits an offense if the person knowingly offers for sale live animals while on a public highway or road, in the right-of-way of a public highway or road, or a parking lot.
- B. A person commits an offense if the person knowingly erects, maintains or places a structure for the purposes of selling live animals on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.
- C. A person commits an offense if the person obstructs or threatens to obstruct the removal of a structure that is in violation of this regulation.
- D. Each offense under this section is a Class C misdemeanor. Each day a violation continues is a separate offense.

SECTION XIV. UNLAWFUL RESTRAINT OF DOGS

- A. A person who owns or has custody or control of a dog and who uses a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system shall

comply with Chapter 821, Subchapter D, sections 821.076 through 821.081 of the Texas Health and Safety Code, as amended. Dogs must have a properly fitted collar and restraint system as required by Subchapter D, Chapter 821 of the Texas Health and Safety Code.

- B. A person who owns or has custody or control of a dog may not leave a dog outside and unattended by use of a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system that: unreasonably limits the dog's movement: between the hours of 10 p.m. and 6 a.m.; or is located within 500 feet of a school; or occurs during extreme weather conditions as defined in Subchapter D, Chapter 821 of the Texas Health and Safety Code.
- C. All enclosures for a single animal shall not be smaller than 10ft(L)x10ft(W)x6ft(H).
- D. A chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system unreasonably limits a dog's movement if it:
 - 1. uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - 2. is a length shorter than the greater of:
 - (a) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (b) 10 feet;
 - 3. is in an unsafe condition; or
 - 4. causes injury to the dog.

SECTION XV. VIOLATIONS AND ENFORCEMENT OF UNLAWFUL RESTRAINT

- A. A person commits an offense if the person knowingly violates this subchapter.
- B. A peace officer or Animal Control Officer who has probable cause to believe that an custodian is violating Subchapter D, Chapter 821 of the Texas Health and Safety Code shall provide the custodian with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the custodian.
- C. A person commits an offense if the person is provided a statement described by Subsection (B) and fails to comply with Subchapter D, Chapter 821 of the Texas Health and Safety Code within 24 hours of the time the custodian is provided the statement. An offense under this subsection is a Class C misdemeanor.
- D. A person commits an offense if the person violates Subchapter D, Chapter 821 of the Texas Health and Safety Code and previously has been convicted of an offense under Subchapter D, Chapter 821 of the Texas Health and Safety Code. An offense under this subsection is a Class B misdemeanor.

- E. If a person fails to comply with Subchapter D, Chapter 821 of the Texas Health and Safety Code with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
- F. If conduct constituting an offense under Subsection D, Chapter 821 of the Texas Health and Safety Code also constitutes an offense under any other law, the actor may be prosecuted under Subchapter D, Chapter 821 of the Texas Health and Safety Code, the other law, or both.
- G. Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any other law, the clerk of a court that collects a penalty under Subchapter D, Chapter 821 of the Texas Health and Safety Code shall remit the penalty collected for deposit in the general fund of the county.

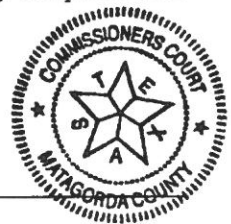
SECTION XVI. DISMISSAL OF CERTAIN MISDEMEANOR CHARGES

- A. When a person is charged with a misdemeanor offense under one of these Regulations, the court, in its sole discretion, may defer the proceedings and allow the person 180 days to present evidence that subsequent to the alleged act, she/he has successfully complied with any reasonable condition imposed on him/her by the court pursuant to Texas Code of Criminal Procedure, article 45.54. Such condition(s) may include the condition that she/he successfully complete an eight (8) hour Animal Abuse and Cruelty education class at www.americanintegritycourses.com or another course approved by the Animal Control Officer.
- B. At the end of the 180-day deferral period, if the person charged with the misdemeanor presents evidence that s/he has complied with the condition(s) imposed by the court, the court may dismiss the complaint.

SECTION XVII EFFECTIVE DATE

These Regulations shall become effective on October 5, 2020. All previously adopted rules and regulations are superseded and repealed.


ATTEST:

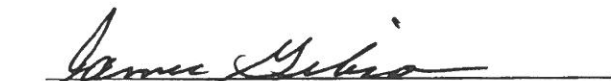




 Nate McDonald, County Judge


 Stephanie Wurtz


 Gary Graham, Comm. Pct. 1


 Kent Pollard, Comm. Pct. 2


 James Gibson, Comm. Pct. 3


 Charles Frick, Comm. Pct. 4