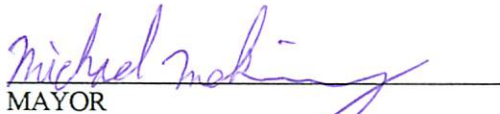
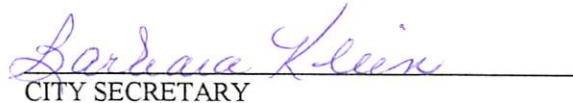


Phone 940-427-5916
Fax 940-427-5916**ANIMAL CONTROL ORDINANCE****ORDINANCE NUMBER:** 06-08-00

NOW THEREFORE IT IS ORDERED THAT THE CITY OF ALVORD ANIMAL CONTROL ORDINANCES ATTACHED HERETO ARE HEREBY ADOPTED, APPROVED, AND ORDERED, AND SHALL TAKE FULL LEGAL EFFECT AS OF THE MOMENT OF THE PASSING VOTE OF THIS ORDINANCE. IT IS FURTHER ORDERED THAT THE FEES CHARGED BY THE CITY OF ALVORD, AS SET FORTH ON THE SCHEDULE ATTACHED HERETO ARE HEREBY ADOPTED, APPROVED AND ORDERED, AND SUCH FEES SHALL BE IN ADDITION TO THE CHARGES OF THE WISE COUNTY SHERIFF'S OFFICE, ANIMAL CONTROL DIVISION. THIS ORDER WAS PASSED AND APPROVED ON THIS 8 DAY OF June, 2000, BY A DULY CONVENED QUORUM OF THE CITY COUNCIL OF THE CITY OF ALVORD, TEXAS.

SIGNED:

ATTEST:


MAYOR
CITY SECRETARY**CITY OF ALVORD ANIMAL CONTROL ORDINANCES****SECTION I.****PURPOSE**

THIS IS AN ORDINANCE RELATING TO THE RESTRAINING, LICENSING, VACCINATING, CONFINEMENT, DISPOSITION AND DISPOSAL OF ANIMALS. AUTHORITY FOR THIS IS DERIVED FROM THE TEXAS HEALTH AND SAFETY CODE, THE TEXAS LOCAL GOVERNMENT CODE, AND OTHER LAW.

THE PURPOSE IS TO ESTABLISH A CITY-WIDE PROGRAM TO RESTRAIN ANIMALS AND TO CONTROL AND ERADICATE RABIES. THIS PROGRAM SHALL BE ADMINISTERED BY THE CITY OF ALVORD UNDER AUTHORIZATION OF THE CITY COUNCIL OF ALVORD, TEXAS.

SECTION II.**DEFINITIONS**

FOR THE PURPOSE OF THIS ORDER, CERTAIN TERMS AND WORDS ARE HEREBY DEFINED. WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE; THE SINGULAR NUMBER INCLUDE THE PLURAL, AND THE PLURAL, THE SINGULAR; REFERENCE TO THE MALE GENDER INCLUDES THE FEMALE, AND REFERENCE TO ANY PERSON OR ANIMAL WITHOUT SPECIFYING GENDER, INCLUDES BOTH MALE AND FEMALE; THE WORD "SHALL" IS MANDATORY AND NOT DIRECTORY.

A. "THE ACT" SHALL MEAN RABIES CONTROL ACT OF 1981 (CHAPTER 826 OF THE TEXAS HEALTH AND SAFETY CODE) AS AMENDED.

B. "ANIMAL" SHALL MEAN EVERY LIVING CREATURE, EITHER MALE OR FEMALE, DOMESTIC OR WILD, EXCEPT MEMBERS OF THE HUMAN RACE.

- (1) "DOMESTIC ANIMAL" MEANS ALL SPECIES OF ANIMALS COMMONLY ACCEPTED AS DOMESTICATED BY MAN SO AS TO LIVE AND BREED IN A TAME CONDITION.
- (2) "WILD ANIMAL" MEANS ANY ANIMALS OF A SPECIES THAT IN THEIR NATURAL LIFE ARE WILD, INCLUDING HYBRIDS AND ANIMALS WHICH, AS A RESULT OF THEIR NATURAL OR WILD CONDITION, CANNOT BE VACCINATED EFFECTIVELY FOR RABIES. THESE ANIMALS, HOWEVER DOMESTICATED, SHALL INCLUDE BUT ARE NOT LIMITED TO : LION, TIGER, OCELOT, COUGAR, LEOPARD, CHEETAH, JAGUAR, HYENA, BEAR, LESSER PANDA, BINTURONG, WOLF APE, ELEPHANT, RHINOCEROS, AND THE FOLLOWING:
 - (A) ALLIGATORS AND CROCODILES.
 - (B) BEARS (URISDAE). ALL BEARS INCLUDING GRIZZLY BEARS, BROWN BEARS, BLACK BEARS, ETC.
 - (C) CAT FAMILY (FELIDAD). ALL EXCEPT THE COMMONLY ACCEPTED DOMESTICATED CATS, AND INCLUDING CHEETAH, COUGAR, LEOPARD, LION, LYNX, PANTHER, MOUNTAIN LION, TIGER, WILDCAT.
 - (D) DOG FAMILY (CANIDAE). ALL EXCEPT DOMESTICATED DOGS, AND INCLUDING WOLF, PART WOLF, FOX, PART FOX, COYOTE, PART COYOTE, AND DINGO.
 - (E) PORCUPINE (ERETHIZONTIDAE). AND SKUNKS.
 - (F) PRIMATE (HOMINADAE). ALL SUB-HUMAN PRIMATES.
 - (G) RACCOON (PROSYNNIDAE). ALL RACCOONS, INCLUDING EASTERN RACCOON, DESERT RACCOON, RING-TAILED CAT.
 - (H) VENOMOUS FISH AND PIRANHA.
 - (I) VENOMOUS SNAKES OR LIZARDS, AND NON-VENOMOUS SNAKES GREATER IN LENGTH THAN FIVE FEET WHEN EXTENDED.
 - (J) WEASELS (MUSTELIDAE). ALL WEASELS, INCLUDING MARTENS, WOLVERINES, FERRETS, BADGERS, OTTERS, ERMINE, MINK, MONGOOSE, EXCEPT THAT PERSONS RAISING MEMBERS OF THIS FAMILY AS A BUSINESS FOR THEIR PELTS SHALL NOT BE PROHIBITED BY THIS ORDER.

C. "ANIMAL CONTROL AUTHORITY" SHALL MEAN THE PERSON WHO HAS BEEN SO DESIGNATED AND AUTHORIZED BY THE CITY COUNCIL TO ACT UNDER AND ENFORCE THIS ORDINANCE.

D. "ANIMAL SHELTER" SHALL MEAN ANY FACILITY OPERATED BY THE CITY, OR A HUMANE SOCIETY, MUNICIPAL AGENCY, OR ANY OTHER GOVERNMENTAL ENTITY OR THEIR AUTHORIZED AGENTS FOR THE PURPOSE OF IMPOUNDING OR CARING FOR ANIMALS HELD UNDER AUTHORITY OF THIS ORDER OR STATE LAW.

E. "AT LARGE" SHALL MEAN ANY ANIMAL THAT IS OFF THE PREMISES OF ITS OWNER'S REAL PROPERTY AND NOT RESTRAINED BY A COMPETENT PERSON.

F. "BITE" SHALL MEAN ANY ABRASION, SCRATCH, PUNCTURE, TEAR OR PIERCING OF SKIN ACTUALLY OR SUSPECTED OF BEING CAUSED BY AN ANIMAL.

G. "CAT" SHALL HAVE THE USUAL MEANING ASCRIBED TO IT, AND SHALL MEAN ALL DOMESTIC SPECIES OR VARIETIES OF THE FELIS CATUS, MALE OR FEMALE, ALIVE OR DEAD. H. "CERTIFICATE" SHALL MEAN A CERTIFICATE ISSUED AT THE TIME OF THE VACCINATION OF THE DOG OR CAT, AND BEARING THEREON THE SIGNATURE OF THE VACCINATOR, THE REGISTRATION NUMBER, THE NAME, COLOR, BREED AND SEX OF THE DOG OR CAT, THE NAME AND ADDRESS OF THE OWNER, THE DATE OF THE VACCINATION, AND TYPE OF VACCINE ADMINISTERED.

I. "COMPETENT PERSON" SHALL MEAN A HUMAN BEING THAT IS CAPABLE OF CONTROLLING AND GOVERNING THE ANIMAL IN QUESTION AND TO WHOSE COMMAND THE ANIMAL IS OBEDIENT.

J. "CONFINED OR CONFINEMENT" OF AN ANIMAL SHALL MEAN CONFINED WITHIN A BUILDING OR HOME, OR WITHIN A FENCED YARD OR PREMISES, SO THAT THE ANIMAL CANNOT ESCAPE FROM SAID BUILDING, HOUSE OR FENCED YARD OR PREMISES WITHOUT HUMAN ASSISTANCE.

K. "CITY" SHALL MEAN THE CITY OF ALVORD, TEXAS.

L. "CURRENTLY VACCINATED" MEANS VACCINATED AND SATISFYING THE FOLLOWING CRITERIA:

- (1) THE ANIMAL MUST HAVE BEEN AT LEAST THREE MONTHS OF AGE AT THE TIME OF VACCINATION.
- (2) AT LEAST THIRTY (30) DAYS HAVE ELAPSED SINCE INITIAL VACCINATION.
- (3) NOT MORE THAN TWELVE (12) MONTHS HAVE ELAPSED SINCE THE MOST RECENT VACCINATION.

M. "DANGEROUS OR VICIOUS ANIMAL" SHALL MEAN ANY ANIMAL THAT IS RUNNING AT LARGE AND BITES, OR ATTEMPTS TO BITE, ANY PERSON OR ANIMAL. THE OWNER OR ANY PERSON KEEPING, HARBORING, OR EXERCISING CONTROL OR APPARENT CONTROL OF ANY ANIMAL KNOWN TO POSSESS ANY DANGEROUS OR VICIOUS TENDENCY, WHO ALLOWS IT TO ESCAPE OR RUN AT LARGE IN ANY PLACE OR MANNER, LIABLE TO ENDANGER THE SAFETY OF ANY PERSON SHALL BE GUILTY OF A CLASS "A" MISDEMEANOR.

N. "DOG" SHALL HAVE THE USUAL MEANING ASCRIBED TO IT, AND SHALL MEAN ALL DOMESTICATED MEMBERS OF THE CANIS FAMILIARIS, MALE OR FEMALE, FOUR MONTHS OF AGE OR OLDER.

O. "EXPOSED TO RABIES" SHALL MEAN ANY ANIMAL WHETHER IT HAS BEEN VACCINATED FOR RABIES OR NOT, WHICH HAS BEEN BITTEN, BEEN FIGHTING WITH OR HAS CONSORTED WITH AN ANIMAL KNOWN OR SUSPECTED TO HAVE RABIES OR SHOWING OBJECTIVE SYMPTOMS OF RABIES.

P. "HUMANE MANNER" SHALL MEAN THE CARE OF AN ANIMAL TO INCLUDE, BUT NOT BE LIMITED TO, ADEQUATE HEAT, SPACE, VENTILATION AND SANITARY SHELTER, WHOLESOME FOOD AND WATER, CONSISTENT WITH THE NORMAL REQUIREMENTS AND FEEDING HABITS OF THE ANIMAL'S SIZE, SPECIES AND BREED.

Q. "IMPOUND" SHALL MEAN THE APPREHENDING, CATCHING, TRAPPING, NETTING, TRANQUILIZING, CONFINING, OR IF NECESSARY, THE DESTRUCTION OF ANY ANIMAL BY THE ANIMAL CONTROL OFFICER.

R. "IMPOUNDING FACILITY" SHALL MEAN ANY PREMISES UTILIZED BY THE ANIMAL CONTROL OFFICER FOR THE PURPOSE OF IMPOUNDING AND CARING FOR ALL ANIMALS FOUND IN VIOLATION OF THIS ORDINANCE.

S. "ISOLATION" SHALL MEAN KEPT SEPARATED AND PROTECTED FROM ALL OTHER ANIMALS OR HUMANS.

T. "LICENSING AUTHORITY" SHALL MEAN AN INDIVIDUAL, COMPANY OR ORGANIZATION, OR ITS LAWFULLY DELEGATED DESIGNEE, DESIGNATED AND AUTHORIZED BY THE CITY COUNCIL TO ISSUE LICENSES IN ACCORDANCE WITH THE PROVISIONS OF SECTION V HEREIN.

U. "NUISANCE" SHALL DESCRIBE AN ANIMAL IF IT: DAMAGES, SOILS, DEFILES, OR DEFECATES ON PRIVATE PROPERTY OTHER THAN THE OWNER'S OR ON PUBLIC WALKS AND RECREATION AREAS UNLESS SUCH WASTE IS IMMEDIATELY REMOVED AND PROPERLY DISPOSED OF BY THE OWNER, CAUSES UNSANITARY, DANGEROUS, OR OFFENSIVE CONDITIONS; CAUSES A DISTURBANCE BY EXCESSIVE BARKING OR OTHER NOISE MAKING; CHASES VEHICLES; OR MOLESTS, ATTACKS, OR INTERFERES WITH PERSONS OR OTHER DOMESTIC ANIMALS.

V. "OWNER" SHALL MEAN ANY PERSON WHO OWNS, HARBORS, SHELTERS, KEEPS, CONTROLS, MANAGES, POSSESSES, OR HAS PART INTEREST IN ANY ANIMAL; AND INCLUDES THE FOLLOWING PERSONS:

(1) THE OCCUPANT OF ANY PREMISES ON WHICH AN ANIMAL REMAINS FOR A PERIOD OF SEVEN (7) DAYS (OR TO WHICH IT CUSTOMARILY RETURNS DAILY FOR A PERIOD OF TEN (10) DAYS) IS PRESUMED TO BE HARBORING, SHELTERING OR KEEPING THE AFOREMENTIONED ANIMAL WITHIN THIS DEFINITION. UNDER NO CIRCUMSTANCES ARE THE NORMAL AND ORDINARILY ACCEPTED DEFINITIONS OF THE TERMS HARBORING, SHELTERING OR KEEPING TO BE LIMITED TO THE WORDS OF THE AFOREMENTIONED PRESUMPTION.

(2) IF A MINOR OWNS AN ANIMAL SUBJECT TO THE PROVISIONS OF THIS SECTION, THE HEAD OF THE HOUSEHOLD OF WHICH SUCH MINOR OWNER IS A MEMBER, SHALL BE DEEMED TO BE THE OWNER OF SUCH ANIMAL FOR THE PURPOSE OF THIS SECTION AND UNDER THIS SECTION SHALL BE RESPONSIBLE AS THE OWNER, WHETHER OR NOT SUCH HOUSEHOLD HEAD IS HIMSELF A MINOR. IF NOT A MEMBER OF A HOUSEHOLD, SUCH MINOR OWNER SHALL HIMSELF BE DIRECTLY SUBJECT TO THE PROVISIONS OF THIS SECTION.

W. "PERSON" SHALL MEAN ANY INDIVIDUAL, PARTNERSHIP, FIRM, PUBLIC OR PRIVATE CORPORATION, ASSOCIATION, TRUST OR ESTATE.

X. "RESTRAINT" SHALL MEAN THAT THE ANIMAL SHALL BE SECURED BY A LEASH OR LEAD, OR CONFINED WITHIN THE REAL PROPERTY LIMITS OF ITS OWNER.

Y. "VACCINATION" SHALL MEAN PROPERLY INJECTED WITH A RABIES VACCINE LICENSED FOR USE IN THAT SPECIES BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, WHICH INJECTION HAS BEEN ADMINISTERED ONLY BY OR UNDER THE DIRECT SUPERVISION OF A VETERINARIAN WHO IS LICENSED TO PRACTICE BY THE STATE.

Z. "VETERINARIAN" SHALL MEAN A DOCTOR OF VETERINARY MEDICINE WHO HOLDS A VALID LICENSE TO PRACTICE HIS PROFESSION IN THE STATE OF TEXAS.

AA. "VETERINARY ESTABLISHMENT" SHALL MEAN ANY ESTABLISHMENT-MAINTAINED AND OPERATED BY A LICENSED VETERINARIAN FOR SURGERY, DIAGNOSIS AND TREATMENT OF DISEASES AND INJURIES OF ANIMALS.

BB. "ZOO NOTIC DISEASES" SHALL MEAN THOSE DISEASES THAT MAY BE TRANSMITTED FROM ANIMALS TO MAN, OR FROM MAN TO ANIMAL, UNDER NORMAL CONDITIONS.

CC. "CITY COUNCIL" SHALL MEAN THE GOVERNING BODY OF THE CITY OF ALVORD, TEXAS.

SECTION III. VACCINATIONS

A. NO PERSONS SHALL OWN, KEEP OR HARBOR ANY DOG OR CAT FOUR MONTHS OF AGE IN THE CITY OF ALVORD UNLESS SUCH DOG OR CAT IS VACCINATED AGAINST RABIES. IN ADDITION, THE DOG OR CAT MUST THEN BE VACCINATED AGAINST RABIES EVERY 12 MONTHS THEREAFTER. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANIMALS OWNED BY A LICENSED RESEARCH FACILITY OR HELD IN A VETERINARY MEDICAL FACILITY OR A GOVERNMENT OPERATED OR LICENSED ANIMAL SHELTER.

B. ALL DOGS AND CATS SHALL BE VACCINATED AGAINST RABIES BY A LICENSED VETERINARIAN, IN ACCORDANCE WITH THE LATEST COMPENDIUM OF ANIMAL RABIES VACCINES AND RECOMMENDATIONS FOR IMMUNIZATION PUBLISHED BY THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS.

C. A CERTIFICATE OF VACCINATION SHALL BE ISSUED TO THE OWNER OF EACH ANIMAL VACCINATED ON A FORM RECOMMENDED BY THE COMPENDIUM. EACH OWNER SHALL ALSO RECEIVE A DURABLE VACCINATION TAG PROVIDED BY THE VETERINARIAN TO BE PERMANENTLY ATTACHED TO A COLLAR OR HARNESS WORN AT ALL TIMES WHEN THE ANIMAL IS OFF THE PREMISES OF THE OWNER.

D. A PERSON COMMITS AN OFFENSE IF HE FAILS OR REFUSES TO HAVE EACH DOG OR CAT OF WHICH HE IS THE OWNER VACCINATED AGAINST RABIES IN ACCORDANCE WITH THIS ORDER. AN OFFENSE UNDER THIS SUBSECTION IS A CLASS "C" MISDEMEANOR.

SECTION IV. RESTRAINT OF ANIMALS

A. ALL ANIMALS SHALL BE KEPT UNDER RESTRAINT. NO OWNER SHALL FAIL TO EXERCISE PROPER CARE AND CONTROL OF HIS ANIMALS IN ORDER TO PREVENT THEM FROM BECOMING A PUBLIC NUISANCE, AND THE OWNER OF EVERY ANIMAL SHALL BE HELD RESPONSIBLE FOR EVERY ACTION OF SUCH ANIMAL UNDER THE PROVISIONS OF THIS ORDER AND TEXAS LAW.

B. A PERSON COMMITS AN OFFENSE IF HE FAILS OR REFUSES TO RESTRAIN ANY ANIMAL OF WHICH HE IS THE OWNER OR IF HE PERMITS HIS ANIMAL TO CAUSE A NUISANCE. AN OFFENSE UNDER THIS SUBSECTION IS A CLASS "C" MISDEMEANOR.

C. THE OWNER OF AN ANIMAL CITED AS DANGEROUS, VICIOUS, OR CREATING A NUISANCE SHALL BE ENTITLED TO A HEARING BEFORE A MAGISTRATE.

SECTION V. PROHIBITION AGAINST WILD ANIMALS

A. A PERSON COMMITS AN OFFENSE IF HE OWNS, POSSESSES OR HARBORS A WILD ANIMAL WITHIN THE CITY OF ALVORD.

B. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AN "EXHIBITOR" WITHIN THE MEANING OF SECTION 2 (h) OF THE FEDERAL ANIMAL WELFARE ACT ((7 U.S.C. {2132(H)}) WHO HOLDS A VALID CLASS "C" EXHIBITOR'S LICENSE ISSUED BY THE SECRETARY OF AGRICULTURE.

C. A PERSON COMMITS AN OFFENSE IF THE PERSON OWNS, POSSESSES OR HARBORS A WILD ANIMAL WITHIN THE CITY OF ALVORD, WHICH OFFENSE IS A CLASS "C" MISDEMEANOR AND SHALL BE PUNISHABLE FOR A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$2,000.00

SECTION VI. FORFEITURE OF WILD ANIMAL

A. IF A PERSON IS FOUND GUILTY OF AN OFFENSE UNDER THE PRECEDING SECTION, THE COURT MAKING SUCH FINDING SHALL ORDER THE FORFEITURE OF THE WILD ANIMAL(S) INVOLVED IN THE OFFENSE TO THE ANIMAL CONTROL AUTHORITY WHO MAY DISPOSE OF IT IN ANY MANNER DEEMED APPROPRIATE IN HIS SOLE DISCRETION.

SECTION VII DANGEROUS DOGS

IN THIS SECTION:

A. "ANIMAL CONTROL AUTHORITY" MEANS A MUNICIPAL OR COUNTY ANIMAL CONTROL OFFICE WITH AUTHORITY OVER THE AREA WHERE THE DOG IS KEPT OR A COUNTY SHERIFF IN AN AREA WITH NO ANIMAL CONTROL OFFICE.

B. "DANGEROUS DOG" MEANS 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.

C. "DOG" MEANS A DOMESTICATED ANIMAL THAT IS A MEMBER OF THE CANINE FAMILY.

D. "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 A DOG;

- (4) CLEARLY MARKED AS CONTAINING A DANGEROUS DOG; AND

- (5) IN CONFORMANCE WITH THE REQUIREMENTS FOR ENCLOSURES BY THE LOCAL ANIMAL CONTROL AUTHORITY.

E. "OWNER" MEANS A PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF THE DOG.

REQUIREMENTS FOR OWNER OF DANGEROUS DOG

A. NOT LATER THAN THE 30th DAY AFTER A PERSON LEARNS THAT THE PERSON IS THE OWNER OF A DANGEROUS DOG, THE PERSON SHALL:

- (1) REGISTER THE DANGEROUS DOG WITH THE ANIMAL CONTROL AUTHORITY FOR THE AREA IN WHICH THE DOG IS KEPT;

- (2) RESTRAIN THE DANGEROUS DOG AT ALL TIMES ON A LEASH IN THE IMMEDIATE CONTROL OF A PERSON OR IN A SECURE ENCLOSURE;

- (3) OBTAIN LIABILITY INSURANCE COVERAGE OR SHOW FINANCIAL RESPONSIBILITY IN AN AMOUNT OF AT LEAST \$100,00 TO COVER DAMAGES RESULTING FROM AN ATTACK BY THE DANGEROUS DOG CAUSING BODILY INJURY TO A PERSON AND PROVIDE PROOF OF THE REQUIRED LIABILITY INSURANCE COVERAGE OR FINANCIAL RESPONSIBILITY TO THE ANIMAL CONTROL AUTHORITY FOR THE AREA IN WHICH THE DOG IS KEPT; AND
- (4) COMPLY WITH AN APPLICABLE MUNICIPAL OR COUNTY REGULATION, REQUIREMENT, OR RESTRICTION ON DANGEROUS DOG.

B. THE OWNER OF A DANGEROUS DOG WHO DOES NOT COMPLY WITH SUBSECTION (A) SHALL DELIVER THE DOG TO THE ANIMAL CONTROL AUTHORITY NOT LATER THAN THE 30th DAY AFTER THE OWNER LEARNS THAT THE DOG IS A DANGEROUS DOG.

C. IF, ON APPLICATION OF ANY PERSON, A JUSTICE COURT, COUNTY COURT, OR MUNICIPAL COURT FINDS, AFTER NOTICE AND HEARING AS PROVIDED BY SECTION 822.0423, THAT THE OWNER OF A DANGEROUS DOG HAS FAILED TO COMPLY WITH SUBSECTION (A) OR (B), THE COURT SHALL ORDER THE ANIMAL CONTROL AUTHORITY TO SEIZE THE DOG AND SHALL ISSUE A WARRANT AUTHORIZING THE SEIZURE. THE AUTHORITY SHALL SEIZE THE DOG OR ORDER ITS SEIZURE AND SHALL PROVIDE FOR THE IMPOUNDMENT OF THE DOG IN A SECURE AND HUMANE CONDITIONS.

D. THE OWNER SHALL PAY ANY COST OR FEE ASSESSED BY THE MUNICIPALITY OR COUNTY RELATED TO THE SEIZURE, IMPOUNDMENT, AND DESTRUCTION OF THE DOG.

E. THE COURT SHALL ORDER THE ANIMAL CONTROL AUTHORITY TO HUMANELY DESTROY THE DOG IF THE OWNER HAS NOT COMPLIED WITH SUBSECTION (A) BEFORE THE 11th DAY AFTER THE DATE ON WHICH THE DOG IS SEIZED OR DELIVERED TO THE AUTHORITY. THE COURT SHALL ORDER THE AUTHORITY TO RETURN THE DOG TO THE OWNER IF THE OWNER COMPLIES WITH SUBSECTION (A) BEFORE THE 11th DAY AFTER THE DATE ON WHICH THE DOG IS SEIZED OR DELIVERED TO THE AUTHORITY.

F. THE COURT MAY ORDER THE HUMANE DESTRUCTION OF A DOG IF THE OWNER OF THE DOG HAS NOT BEEN LOCATED BEFORE THE 15th DAY AFTER THE SEIZURE AND IMPOUNDMENT OF THE DOG.

G. FOR PURPOSES OF THIS SECTION, A PERSON LEARNS THAT THE PERSON IS THE OWNER OF A DANGEROUS DOG WHEN:

- (1) THE OWNER KNOWS OF AN ATTACK DESCRIBED IN SECTION 822.041(2)(A) OR (B);
- (2) THE OWNER RECEIVES NOTICE THAT A JUSTICE COURT, COUNTY COURT, OR MUNICIPAL COURT HAS FOUND THAT THE DOG IS A DANGEROUS DOG UNDER SECTION 822.0423; OR
- (3) THE OWNER IS INFORMED BY THE ANIMAL CONTROL AUTHORITY THAT THE DOG IS A DANGEROUS DOG UNDER SECTION 822.0421.

DETERMINATION THAT DOG IS DANGEROUS

A. IF A PERSON REPORTS AN INCIDENT DESCRIBED BY SECTION 822.0421(2), THE ANIMAL CONTROL AUTHORITY MAY INVESTIGATE THE INCIDENT. IF, AFTER RECEIVING THE SWORN STATEMENTS OF ANY WITNESSES, THE ANIMAL CONTROL AUTHORITY DETERMINES THE DOG IS A DANGEROUS DOG, IT SHALL NOTIFY THE OWNER OF THAT FACT.

B. AN OWNER, NOT LATER THAN THE 15th DAY AFTER THE DATE THE OWNER IS NOTIFIED THAT A DOG OWNED BY THE OWNER IS A DANGEROUS DOG, MAY APPEAL THE DETERMINATION OF THE ANIMAL CONTROL AUTHORITY TO A JUSTICE, COUNTY, OR MUNICIPAL COURT OF COMPETENT JURISDICTION. AN OWNER MAY APPEAL THE DECISION OF THE JUSTICE, COUNTY, OR MUNICIPAL COURT IN THE SAME MANNER AS APPEAL FOR OTHER CASES FROM THE JUSTICE, COUNTY, OR MUNICIPAL COURT.

REPORTING OF INCIDENT IN CERTAIN COUNTIES AND MUNICIPALITIES

A. THIS SECTION APPLIES ONLY TO A COUNTY WITH A POPULATION OF MORE THAN 2,800,000 TO A COUNTY IN WHICH THE COMMISSIONERS COURT HAS ENTERED AN ORDER ELECTING TO BE GOVERNED BY THIS SECTION, AND TO A MUNICIPALITY IN WHICH THE GOVERNING BODY HAS ADOPTED AN ORDINANCE ELECTING TO BE GOVERNED BY THIS SECTION.

B. A PERSON MAY REPORT AN INCIDENT DESCRIBED BY SECTION 822.0421(2) TO A MUNICIPAL COURT, A JUSTICE COURT, OR A COUNTY COURT. THE OWNER OF THE DOG SHALL DELIVER THE DOG TO THE ANIMAL CONTROL AUTHORITY NOT LATER THAN THE FIFTH DAY AFTER THE DATE ON WHICH THE OWNER RECEIVES NOTICE THAT THE REPORT HAS BEEN FILED.

C. IF THE OWNER FAILS TO DELIVER THE DOG AS REQUIRED BY SUBSECTION (B), THE COURT SHALL ORDER THE ANIMAL CONTROL AUTHORITY TO SEIZE THE DOG AND SHALL ISSUE A WARRANT AUTHORIZING THE SEIZURE. THE AUTHORITY SHALL SEIZE THE DOG OR ORDER ITS SEIZURE AND SHALL PROVIDE FOR THE IMPOUNDMENT OF THE DOG IN SECURE AND HUMANE CONDITIONS UNTIL THE COURT ORDERS THE DISPOSITION OF THE DOG. THE OWNER SHALL PAY ANY COST INCURRED IN SEIZING THE DOG. THE COURT SHALL DETERMINE, AFTER NOTICE AND HEARING AS PROVIDED IN SECTION 822.0423, WHETHER THE DOG IS A DANGEROUS DOG.

HEARING

A. THE COURT, ON RECEIVING A REPORT OF AN INCIDENT UNDER SECTION 822.0422 OR AN APPLICATION UNDER SECTION 822.042(C), SHALL SET A TIME FOR A HEARING TO DETERMINE WHETHER THE DOG IS A DANGEROUS DOG OR WHETHER THE OWNER OF THE DOG HAS COMPLIED WITH SECTION 822.042. THE HEARING MUST BE HELD NOT LATER THAN THE 10th DAY AFTER THE DATE ON WHICH THE DOG IS SEIZED OR DELIVERED.

B. THE COURT SHALL GIVE WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING TO:

- (1) THE OWNER OF THE DOG OR THE PERSON FROM WHOM THE DOG WAS SEIZED;
AND
- (2) THE PERSON WHO MADE THE COMPLAINT.

C. ANY INTERESTED PART, INCLUDING THE COUNTY OR CITY ATTORNEY, IS ENTITLED TO PRESENT EVIDENCE AT THE HEARING.

D. AN OWNER OR PERSON FILING THE ACTION MAY APPEAL THE DECISION OF THE MUNICIPAL COURT, JUSTICE COURT, OR COUNTY COURT IN THE MANNER PROVIDED FOR THE APPEAL OF CASES FROM THE MUNICIPAL, JUSTICE, OR COUNTY COURT.

REGISTRATION

A. AN ANIMAL CONTROL AUTHORITY FOR THE AREA IN WHICH THE DOG IS KEPT SHALL ANNUALLY REGISTER A DANGEROUS DOG IS THE OWNER:

(1) PRESENTS PROOF OF:

- (A) LIABILITY INSURANCE OR FINANCIAL RESPONSIBILITY, AS REQUIRED BY SECTION 822.042;
- (B) CURRENT RABIES VACCINATION OF THE DANGEROUS DOG; AND
- (C) THE SECURE ENCLOSURE IN WHICH THE DANGEROUS DOG WILL BE KEPT; AND

(2) PAYS AN ANNUAL REGISTRATION FEE OF \$250.00.

B. THE ANIMAL CONTROL AUTHORITY SHALL PROVIDE TO THE OWNER REGISTERING A DANGEROUS DOG A REGISTRATION TAG. THE OWNER MUST PLACE THE TAG ON THE DOG'S COLLAR.

C. IF AN OWNER OF A REGISTERED DANGEROUS DOG SELLS OR MOVES THE DOG TO A NEW ADDRESS, THE OWNER, NOT LATER THAN THE 14th DAY AFTER THE DATE OF THE SALE OR MOVE, SHALL NOTIFY THE ANIMAL CONTROL AUTHORITY FOR THE AREA IN WHICH THE NEW ADDRESS IS LOCATED. ON PRESENTATION BY THE CURRENT OWNER OF THE DANGEROUS DOG'S PRIOR REGISTRATION AND PAYMENT OF A FEE OF \$25.00, THE ANIMAL CONTROL AUTHORITY SHALL ISSUE A NEW REGISTRATION TAG TO BE PLACED ON THE DANGEROUS DOG'S COLLAR.

D. AN OWNER OF A REGISTERED DANGEROUS DOG SHALL NOTIFY THE OFFICE IN WHICH THE DANGEROUS DOG WAS REGISTERED OF ANY ATTACKS THE DANGEROUS DOG MAKES ON PEOPLE.

ATTACK BY DANGEROUS DOG

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 LISTED IN SECTION 822.004.

D. IN ADDITION TO CRIMINAL PROSECUTION, A PERSON WHO COMMITS AN OFFENSE UNDER THIS SECTION IS LIABLE FOR A CIVIL PENALTY NOT TO EXCEED \$10,000.00. AN ATTORNEY HAVING CIVIL JURISDICTION IN THE COUNTY OF AN ATTORNEY FOR A MUNICIPALITY 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 OR MUNICIPALITY.

VIOLATIONS

A. A PERSON WHO OWNS OR KEEPS CUSTODY OR CONTROL OF A DANGEROUS DOG COMMITS AN OFFENSE IF THE PERSON FAILS TO COMPLY WITH SECTION 822.042 OR SECTION 822.0422(B) OR AN APPLICABLE MUNICIPAL OR COUNTY REGULATIONS RELATING TO DANGEROUS DOGS.

B. EXCEPT AS PROVIDED BY SUBSECTION (C), AN OFFENSE UNDER THIS SECTION IS A CLASS C MISDEMEANOR.

C. AN OFFENSE UNDER THIS SECTION IS A CLASS B MISDEMEANOR IF IT IS SHOWN ON THE TRIAL OF THE OFFENSE THAT THE DEFENDANT HAS PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION.

DEFENSE

A. IT IS A DEFENSE TO PROSECUTION UNDER SECTION 822.044 OR SECTION 822.045 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 SECTION 822.044 OR SECTION 822.045 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 SECTION 822.044 OR SECTION 822.045 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).

LOCAL REGULATION OF DANGEROUS DOGS

A COUNTY OR MUNICIPALITY MAY PLACE ADDITIONAL REQUIREMENTS OR RESTRICTIONS ON DANGEROUS DOGS IF THE REQUIREMENTS OR RESTRICTIONS:

- (1) ARE NOT SPECIFIC TO ONE BREED OR SEVERAL BREEDS OF DOGS; AND
- (2) ARE MORE STRINGENT THAN RESTRICTIONS PROVIDED BY THIS SECTION.

SECTION VIII. DESTRUCTION OF ANIMALS

A. IT IS HEREBY MADE THE RESPONSIBILITY AND DUTY OF THE ANIMAL CONTROL AUTHORITY OR IT'S DULY AUTHORIZED REPRESENTATIVE TO DESTROY ANY AND ALL ANIMALS AT LARGE WHEN SAID ANIMALS ARE, OR APPEAR TO BE, AFFECTED WITH RABIES, OR ANY OTHER INFECTIOUS, CONTAGIOUS, OR DANGEROUS DISEASE, OR WHEN SUCH ANIMALS ARE SICK, INJURED, IN GREAT PAIN OR IN SUCH CONDITION AS THEY MAY NOT BE EXPECTED TO LIVE, IF THE OWNER OF THE ANIMAL REQUESTS THE DESTRUCTION OF THE ANIMAL, OR IF THE ANIMAL CONTROL AUTHORITY BELIEVES IT IS IN THE INTEREST OF THE PUBLIC TO DESTROY THE ANIMAL, OR IF ALL OTHER REASONABLE MEANS OF CAPTURE HAVE BEEN EXHAUSTED; PROVIDED THAT ALL REASONABLE EFFORTS SHALL BE MADE TO SEE THAT ANY ANIMAL SUSPECTED OF RABIES BE KILLED IN SUCH A MANNER AS NOT TO DAMAGE THE BRAIN.

B. IT SHALL NOT BE NECESSARY TO IMPOUND OR ADVERTISE SUCH ANIMALS BY POSTING NOTICE, NOTIFYING THE OWNER OR OTHERWISE, BUT IT SHALL BE THE DUTY OF THE AUTHORIZED OFFICER TO DESTROY ALL SUCH ANIMALS AND, BEFORE DISPOSING OF SAME, TO REPORT TO THE ANIMAL CONTROL AUTHORITY, WHO SHALL ORDER THE DISPOSAL OF THE CARCASS IN A MANNER HE DEEMS NECESSARY AND EXPEDIENT. THE AUTHORIZED OFFICER SHALL FURTHER SUBMIT A WRITTEN REPORT TO THE ANIMAL CONTROL AUTHORITY CONTAINING THE FACTS SUBSTANTIATING THE OFFICERS' ACTIONS.

SECTION IX. IMPOUNDMENT

A. IT SHALL BE THE DUTY OF THE ANIMAL CONTROL OFFICER TO APPREHEND, CONFINE AND IMPOUND ALL DOGS, CATS, AND OTHER ANIMALS AS FOLLOWS:

- (1) ALL DOGS, CATS OR OTHER ANIMAL INFECTED OR SUSPECTED OF BEING INFECTED WITH RABIES AND ALL ANIMALS EXPOSED TO, OR SUSPECTED BY THE ANIMAL CONTROL AUTHORITY OF BEING EXPOSED TO, AN ANIMAL INFECTED WITH RABIES, INCLUDING ANIMALS KNOWN TO HAVE BEEN BITTEN BY A RABID ANIMAL, WHETHER THE ANIMAL TO BE IMPOUNDED IS RUNNING AT LARGE OR ON A LEASH OR WHETHER IT IS CONFINED TO ITS OWNER'S PREMISES;
- (2) ANIMALS THAT HAVE BITTEN A PERSON; AND
- (3) ANIMALS WHICH ARE STRAYS, AT LARGE, OR UNRESTRAINED.

B. ALL ANIMALS PICKED UP UNDER THIS SECTION SHALL BE IMPOUNDED BY THE ANIMAL CONTROL OFFICER IN AN ANIMAL SHELTER OR OTHER IMPOUNDING FACILITY AND CONFINED IN A HUMANE MANNER.

C. IMMEDIATELY UPON IMPOUNDING ANY ANIMAL, THE ANIMAL CONTROL AUTHORITY SHALL MAKE A COMPLETE REGISTRY OF THE ANIMAL, ENTERING THE BREED, COLOR, AND SEX OF SUCH ANIMAL AND THE PLACE AND TIME OF TAKING INTO CUSTODY.

D. ALSO, IMMEDIATELY UPON IMPOUNDING ANY ANIMAL, THE ANIMAL CONTROL AUTHORITY OR DULY APPOINTED AGENT SHALL UNDERTAKE REASONABLE EFFORT TO NOTIFY THE OWNER AND INFORM SUCH OWNER OF THE CONDITIONS WHEREBY CUSTODY OF THE ANIMAL MAY BE REGAINED. SUCH EFFORT SHALL BE DEEMED TO BE REASONABLE IF CONTACT IS ATTEMPTED AT THE ADDRESS OR PHONE NUMBER ON THE ANIMAL'S COLLAR OR TAG, OR IF NO SUCH IDENTIFICATION IS PRESENT THEN SUCH NOTICE SHALL BE DEEMED REASONABLE IF WRITTEN NOTICE IS POSTED AT THE SITE WHERE THE ANIMAL WAS SEEN. ANIMALS BEARING LICENSE TAGS OR IDENTIFICATION SHALL BE HELD EIGHT (8) FULL DAYS. ANIMALS BEARING NO TAGS OR IDENTIFICATION SHALL BE HELD THREE (3) FULL DAYS. ANIMALS NOT CLAIMED BY THEIR OWNERS WITHIN THE ABOVE SPECIFIED TIMES SHALL BECOME THE PROPERTY OF THE CITY, AND MAY BE DESTROYED BY THE ANIMAL CONTROL OFFICER AS SET FORTH HEREIN.

E. WHEN ANY ANIMAL IS FOUND RUNNING AT LARGE AND ITS OWNERSHIP IS VERIFIED BY THE ANIMAL CONTROL OFFICER, THE OFFICER MAY EXERCISE THE OPTION OF SERVING THE OWNER WITH A NOTICE OF VIOLATION, IN LIEU OF IMPOUNDING THE ANIMAL.

F. DISPOSAL OF AN ANIMAL BY ANY METHOD SPECIFIED HEREIN DOES NOT RELIEVE THE OWNER OF LIABILITY FOR VIOLATIONS AND ANY ACCRUED CHARGES.

SECTION X. REDEMPTION

A. ANY ANIMAL IMPOUNDED MAY BE REDEEMED BY THE OWNER THEREOF WITHIN THREE (3) DAYS IF UNTAGGED AND WITHIN FIVE (5) DAYS IF APPROPRIATELY TAGGED UPON PAYMENT OF AN IMPOUNDMENT FEE, AS SET FORTH IN THE SCHEDULE OF ANIMAL CONTROL FEES ADOPTED BY THE CITY COUNCIL. PAYMENT OF IMPOUNDMENT FEES IS TO BE IN ADDITION TO, AND NOT IN LIEU OF, ANY FINE, PENALTY, LICENSE FEES, VETERINARIAN FEES, OR POUND FEES OR OTHER CHARGES OR FEES SET FORTH IN THE SCHEDULE OF ANIMAL CONTROL FEES ADOPTED BY THE CITY COUNCIL OR CHARGED BY THE WISE COUNTY ANIMAL CONTROL OFFICE.

B. NO ANIMAL REQUIRED TO BE VACCINATED UNDER THIS ORDER MAY BE REDEEMED UNTIL THE PROVISIONS FOR SUCH VACCINATION HAVE BEEN FULFILLED.

SECTION XI. DISPOSAL OF QUARANTINED AND IMPOUNDED ANIMALS

A. THE ANIMAL SHELTER OR IMPOUNDING FACILITY IS AUTHORIZED TO KEEP, RETURN TO OWNER, PLACE FOR ADOPTION WITH A REASONABLE PARTY, OR HUMANELY DISPOSE OF OR DESTROY, IN SUCH A MANNER AS THE ANIMAL CONTROL AUTHORITY DEEMS NECESSARY UNDER THE CIRCUMSTANCES, ANY ANIMAL THAT THE OWNER OR CUSTODIAN DOES NOT TAKE POSSESSION OF AS PROVIDED HEREIN.

B. IT IS EXPRESSLY PROVIDED THAT IN CASE OF DISEASED, SICK, INJURED OR OTHERWISE UNHEALTHY ANIMALS IMPOUNDED UNDER THESE REGULATIONS, IT SHALL BE UNNECESSARY TO AWAIT THE EXPIRATION OF THE IMPOUNDMENT OR REDEMPTION PERIOD BEFORE DISPOSING OF SUCH ANIMALS PROVIDING THE ANIMAL CONTROL AUTHORITY IS NOTIFIED AND PROPER PROCEDURES FOR RABIES CONTROL ARE ENFORCED.

SECTION XII RELEASING OR DUMPING OF ANIMALS

A. NO PERSON SHALL DUMP, RELEASE OR ABANDON ANY ANIMAL ON ANY PROPERTY, WHETHER PUBLIC OR PRIVATE, WITHIN THE CITY OF ALVORD.

B. ANY PERSON WHO KEEPS, HARBORS, FEEDS, SHELTERS, OR OTHERWISE ALLOWS ANY STRAY ANIMAL OR ANY ANIMAL WHICH HAS BEEN DUMPED, RELEASED OR ABANDONED, TO REMAIN ON HIS PROPERTY OR ALLOWS OR PERMITS EGRESS AND/OR INGRESS FOR SEVEN (7) OR MORE DAYS WITHOUT NOTIFYING THE ANIMAL CONTROL OFFICER, SHALL HEREBY BE DEEMED THE OWNER OF SAID ANIMAL.

C. A PERSON COMMITS AN OFFENSE IF HE INTENTIONALLY ABANDONS AN ANIMAL IN HIS CUSTODY.

D. DISPOSITION OF DOMESTIC ANIMALS EXPOSED TO RABIES:

(1) UNVACCINATED ANIMALS THAT HAVE BEEN BITTEN OR DIRECTLY EXPOSED BY PHYSICAL CONTACT WITH A RABID ANIMAL OR ITS FRESH TISSUES SHALL BE:

(A) HUMANELY KILLED, OR

(B) IF SUFFICIENT JUSTIFICATION FOR PRESERVING THE ANIMAL EXISTS, THE EXPOSED ANIMAL SHOULD BE IMMEDIATELY VACCINATED AGAINST RABIES, PLACED IN CONFINEMENT AND STRICT ISOLATION FOR NINETY (90) DAYS AND GIVEN A BOOSTER VACCINATION DURING THE 3rd AND 8th WEEKS.

(2) VACCINATED ANIMALS THAT HAVE BEEN BITTEN OR OTHERWISE SIGNIFICANTLY EXPOSED TO A RABID ANIMAL SHOULD BE

(A) HUMANELY KILLED, OR

(B) IF SUFFICIENT JUSTIFICATION FOR PRESERVING THE ANIMAL EXISTS, THE EXPOSED VACCINATED ANIMAL SHOULD BE GIVEN A BOOSTER RABIES VACCINATION AND PLACED IN CONFINEMENT AND STRICT ISOLATION FOR FORTY-FIVE (45) DAYS.

(3) THESE PROVISIONS APPLY ONLY TO DOMESTIC ANIMALS FOR WHICH AN APPROVED RABIES VACCINE IS AVAILABLE.

SECTION XIII RABIES

A. WHEN A DOG OR CAT THAT HAS BITTEN A HUMAN HAS BEEN IDENTIFIED, THE OWNER WILL BE REQUIRED TO PLACE THE ANIMAL IN QUARANTINE. THE TEN (10) DAY OBSERVATION PERIOD WILL BEGIN ON THE DAY OF THE BITE INCIDENT, OR THE DATE THE ANIMAL IS HELD BY

THE ANIMAL CONTROL AUTHORITY. THE ANIMAL MUST BE EXAMINED BY A LICENSED VETERINARIAN, OR THE LOCAL ANIMAL CONTROL AUTHORITY, AND PLACED IN THE ANIMAL CONTROL FACILITIES SPECIFIED FOR THIS PURPOSE, IF AVAILABLE. HOWEVER, THE OWNER OF THE ANIMAL MAY REQUEST PERMISSION FROM THE LOCAL HEALTH AUTHORITY FOR THE QUARANTINE IF THE FOLLOWING CRITERIA CAN BE MET:

- (1) SECURE FACILITIES MUST BE AVAILABLE AT THE HOME OF THE ANIMAL'S OWNER, AND MUST BE APPROVED BY THE LOCAL HEALTH AUTHORITY.
- (2) THE ANIMAL IS CURRENTLY VACCINATED AGAINST RABIES.
- (3) THE ANIMAL CONTROL AUTHORITY OR A LICENSED VETERINARIAN MUST OBSERVE THE ANIMAL AT LEAST ON THE FIRST AND LAST DAYS OF THE QUARANTINE PERIOD. IF THE ANIMAL BECOMES ILL DURING THE OBSERVATION PERIOD, THE ANIMAL CONTROL AUTHORITY MUST BE NOTIFIED BY THE PERSON HAVING POSSESSION OF THE ANIMAL. AT THE END OF THE OBSERVATION PERIOD, THE RELEASE FROM QUARANTINE MUST BE ACCOMPLISHED IN WRITING BY A LICENSED VETERINARIAN.
- (4) THE ANIMAL WAS NOT IN VIOLATION OF ANY LAWS AT THE TIME OF THE BITE.

B. IF THE BITING ANIMAL CANNOT BE MAINTAINED IN SECURE QUARANTINE, IT SHALL BE HUMANELY DESTROYED AND THE BRAIN SUBMITTED TO A TDH CERTIFIED LABORATORY FOR RABIES DIAGNOSIS.

C. NO WILD ANIMAL WILL BE PLACED IN QUARANTINE. ALL WILD ANIMALS INVOLVED IN BITING INCIDENTS WILL BE HUMANELY KILLED, AND DUE CARE SHALL BE EXERCISED SUCH THAT THE BRAIN OF SUCH ANIMAL BE PRESERVED INTACT FOR TESTING. THE BRAIN SHALL BE SUBMITTED TO A TDH LABORATORY FOR RABIES DIAGNOSIS.

D. THE BODY OF ANY ANIMAL THAT HAS DIED OF RABIES SHALL NOT BE DISPOSED OF EXCEPT AS DIRECTED BY THE ANIMAL CONTROL AUTHORITY OR HIS DULY APPOINTED AGENT.

E. ANY PERSON HAVING KNOWLEDGE OF AN ANIMAL BITE TO A HUMAN MUST REPORT THE INCIDENT TO THE ANIMAL CONTROL AUTHORITY AS SOON AS POSSIBLE, BUT NOT LATER THAN TWENTY-FOUR (24) HOURS FROM THE TIME OF THE INCIDENT.

F. THE OWNER OF THE BITING ANIMAL WILL PLACE THAT ANIMAL IN QUARANTINE AS PRESCRIBED IN PARAGRAPH A OF THIS SECTION UNDER THE SUPERVISION OF THE LOCAL HEALTH AUTHORITY.

G. EVERY VETERINARIAN WHO IS CALLED TO EXAMINE AND TEST ANY ANIMAL IN THE CITY OF ALVORD FOR RABIES SHALL, WITHIN TWENTY-FOUR (24) HOURS OF SUBMITTING THE TISSUE SAMPLE, REPORT TO THE CITY OF ALVORD ANIMAL CONTROL AUTHORITY THE FOLLOWING FACTS;

- (1) A STATEMENT OF THE LOCATION OF SUCH DISEASED ANIMAL.
- (2) THE NAME AND ADDRESS OF THE OWNER OR SUBMITTER OF ANIMAL; AND
- (3) THE TYPE AND CHARACTER OF THE DISEASE(S) DIAGNOSED, AND
- (4) THE RESULTS OF THE RABIES TEST FROM AUSTIN (OR OTHER FACILITY).

SECTION XIV. INTERFERENCE

A PERSON COMMITS AN OFFENSE IF HE INTERFERES WITH, HINDERS OR MOLESTS ANY ANIMAL CONTROL OFFICER OR OTHER PARTY DESIGNATED FOR SAID PURPOSE, IN THE PERFORMANCE OF DUTY DELEGATED HEREUNDER, OR SEEKS TO RELEASE ANY ANIMAL TAKEN AND HELD IN CUSTODY UNDER THE PROVISIONS OF THIS ORDINANCE EXCEPT AS HEREIN PROVIDED. AN OFFENSE UNDER THIS SECTION IS A CLASS "C" MISDEMEANOR.

SECTION XV. SEVERABILITY

IT IS HEREBY DECLARED TO BE THE INTENTION OF THE CITY COUNCIL THAT THE PHRASES, CLAUSES, SENTENCES, PARAGRAPHS, AND SECTIONS OF THIS ORDINANCE ARE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE, PARAGRAPH OR SECTION OF THIS ORDINANCE SHALL BE DECLARED UNCONSTITUTIONAL, SUCH SHALL NOT AFFECT ANY OF THE REMAINING PHRASES, CLAUSES, SENTENCES, PARAGRAPHS AND SECTIONS OF THIS ORDINANCE, SINCE THE SAME WOULD HAVE BEEN ENACTED BY THE CITY COUNCIL WITHOUT THE INCORPORATION IN THE ORDINANCE OF ANY SUCH UNCONSTITUTIONAL PHRASE, CLAUSE, SENTENCE, PARAGRAPH OR SECTION.

SECTION XVI. PENALTY

VIOLATION OF ANY PROVISION OF THIS ORDINANCE IS PUNISHABLE AS CLASS "C" MISDEMEANOR AND UPON CONVICTION BY FINE. EACH VIOLATION IS CONSIDERED AS A SEPARATE OFFENSE AND IS PUNISHABLE AS A SEPARATE OFFENSE.

SECTION XVII. EFFECTIVE DATE

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY FROM AND AFTER THE PUBLICATION OF ITS CAPTION, AS THE LAW IN SUCH CASES PROVIDES.

ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH CONFLICT.

**PASSED AND APPROVED ON THIS 8th DAY OF JUNE 2000,
BY A DULY CONVENED QUORUM OF THE CITY COUNCIL OF THE CITY OF ALVORD, TEXAS.**

CITY OF ALVORD

113 N WICKHAM
PO BOX 63
ALVORD TX 76225
WISE CO.

Phone (940) 427-5916
Fax (940) 427-2471

ANIMAL CONTROL FEES: CITY OF ALVORD

FINE FOR NO RABIES VACCINATION--MINIMUM \$100.00 TO A
MAXIMUM OF \$249.25.

FINE FOR ANIMAL RUNNING AT LARGE--\$88.00 FIRST OFFENSE,
EACH OFFENSE AFTER THAT
WILL HAVE \$25.00 ADDED EACH
TIME.

REGISTRATION FEE FOR A DANGEROUS DOG \$250.00.

THESE FEES WILL BE IN ADDITION TO COUNTY COSTS/CHARGES.

ANIMAL CONTROL FEES: WISE COUNTY

DOGS & CATS:

IMPOUND / 1st DAY.....	\$10.00
EACH DAY THEREAFTER.....	\$5.00
EUTHANASIA OF OWNED ANIMALS.....	\$10.00
QUARANTINE / 1st DAY.....	\$10.00
EACH DAY THEREAFTER.....	\$5.00
CITY FEES PER ANIMAL, IF BROUGHT TO OUR SHELTER FOR EUTHANASIA.....	\$5.00
CITY FEE, IF WE PICK UP.....	\$40.00

LIVESTOCK:

IMPOUND / PER HEAD.....	\$45.00
LIVESTOCK HAULING / PER HEAD.....	\$45.00
ROUNDUP, LOADING, AND CARE OF LIVESTOCK.....	
CHARGES ASSESSED BY CONTRACTOR.	

EXOTIC OR WILD ANIMALS:

REGISTRATION PER YEAR.....	\$50.00
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COSTS ARE SUBJECT TO CHANGE WITHOUT NOTIFICATION.

CITY OF ALVORD

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