

## EL PASO COUNTY ANIMAL REGULATIONS

### SECTION 1. AUTHORITY & INTENT

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) Chapter 240 of the Texas Local Government Code, specifically including the authority granted in section 240.002.

B. It is the purpose of the Commissioners Court of El Paso County to exercise its authority to impose reasonable and uniform regulations for animal control in El Paso County, Texas. These Regulations are adopted to protect the health, safety and general welfare of people in El Paso County and also to protect the health, safety and general welfare of animals kept in El Paso County by preventing the spread of rabies and other zoonotic diseases and by reducing the risk of injury to people from animals kept in El Paso County, Texas.

C. These Regulations do not limit or 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. These Regulations do not serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.

D. The El Paso County Sheriff is the officer designated as the local rabies control authority for El Paso County, pursuant to section 826.017 of the Health & Safety Code. The El Paso County Sheriff shall act as the County's animal control authority for purposes of Chapter 822 of the Texas Health & Safety Code. The El Paso County Sheriff is authorized to enforce these Regulations and all laws applicable to the County's local rabies control authority and animal control authority. The El Paso County Sheriff's Office is authorized to issue citations to enforce these Regulations pursuant to chapter 826 and section 121.003(c) of the Texas Health & Safety Code.

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 El Paso County, except those incorporated cities or towns that have adopted their own regulations pursuant to section 826.015 of the Texas Health & Safety Code which supersede these Regulations.

G. Unless otherwise indicated, any person who violates a section of these Regulations shall be strictly liable for such violation and shall be subject to the penalties herein established.

## SECTION 2. 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 affect to their purpose and intent.

## SECTION 3. DEFINITIONS

A. "Bite" or "scratch" means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

B. "Collar" means a band, chain, harness or other suitable device worn around the neck of an animal to which a current rabies vaccination and registration tag can be affixed.

C. "Dangerous wild animal" includes but is not limited to:

1. Lion;
2. Tiger;
3. Ocelot;
4. Cougar;
5. Leopard;
6. Cheetah;
7. Jaguar;
8. Bobcat;
9. Lynx;
10. Serval;
11. Caracal;
12. Hyena;
13. Bear;
14. Coyote;
15. Jackal;
16. Baboon;
17. Chimpanzee;
18. Orangutan;
19. Gorilla;

- 20. Wolf; or
- 21. Any hybrid of an animal listed in this definition.

D. “Dog” or “cat”, unless otherwise specifically set forth with an age limit, shall include a puppy or kitten and the terms are interchangeable.

E. “Ear tipped cat” means a cat upon which a surgical process is performed during neutering as part of the trap-neuter-return protocol overseen by a licensed veterinarian, in which a one-quarter-inch diagonal cut is made to remove the point of a cat’s ear, and is preferably, but not exclusively, on the cat’s left ear, to identify the cat as being sterilized and lawfully vaccinated for rabies.

F. “Exposed to rabies” means that an animal has been bitten by or in contact with any animal known to be, or suspected of being, infected with rabies.

G. “Owner” means a custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours without said animal being identified as a trap-neuter-return cat. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with these Regulations.

H. “Trap-neuter-return” means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a cat to the location where it was trapped.

I. “Veterinarian” means a doctor of veterinary medicine who holds a valid license to practice his profession in one or more of the fifty United States.

SECTION 4. RUNNING AT LARGE PROHIBITED.

A. Every person owning or having charge, care, custody or control of any dog or cat shall keep such dog or cat exclusively upon his or her own premises by means of appropriate and humane physical restraint; provided, however, that such dog or cat may be off such premises if it is under direct control of a competent person by means of a secure leash or by some other equivalent means of direct physical control.

B. The prohibition against a dog or cat running at large shall not apply to:

- 1. a cat that can be identified as having an owner or caregiver by collar and tags and whose owner or caregiver can provide documentation of the cat’s sterilization and vaccination; or
- 2. an ear tipped cat indicating that it has been processed through the trap-neuter-return protocol.

C. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

## SECTION 5. PUBLIC NUISANCE.

With the exception of those cats described in Section 4.B. of these Regulations, any stray or unrestrained dog or cat subject to these Regulations is hereby declared to be a public nuisance.

## SECTION 6. REGISTRATION REQUIRED.

- A. No person who is a resident of the County shall have within the County for more than thirty days any dog or cat four months of age or older unless such dog or cat is currently registered with the County or with a municipality within the County.
- B. No person who is not a resident of the County shall have within the County any dog or cat for more than ninety days unless such dog or cat is currently registered with the County or with a municipality within the County.
- C. No dog or cat shall be registered unless it has a current vaccination as is required by these Regulations, hereafter.
- D. A registration shall be renewed annually.
- E. If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his or her name.
- F. The El Paso County Sheriff shall establish the process for the registration of dogs and cats. In doing so, the Sheriff's Office may enter into agreements with any public or private entity, including the City of El Paso and local veterinarians.
- G. The Commissioners Court shall set forth any required fees, and any exemptions thereof, for registration of dogs and cats.
- H. An ear tipped cat that has been processed through the trap-neuter-return protocol shall be exempt from the registration requirements of this chapter.
- I. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

## SECTION 7. COLLAR AND TAG REQUIRED.

- A. Upon registration, there shall be delivered to the owner a metallic tag stamped with the registration certificate number and the year in which issued.
- B. The owner shall see that the dog or cat wears at all times a collar or harness to which the current registration tag shall be attached, except as in subsection D or E of this section. It is unlawful for any person to remove the tag from the collar or harness without the owner's consent.

C. No person shall use a certificate or tag for any animal other than the one for which it was issued.

D. Dogs or cats confined within a residence need not wear their collar or harness or their registration tag while within the residence; however, in no case shall a dog or cat be allowed to exit the interior of the residence without wearing their collar or harness with the current registration tag attached.

E. Dogs or cats competing at approved dog or cat club shows or trials, or while being transported to and from such events, need not wear their collar or harness or their registration tag.

F. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

#### SECTION 8. VACCINATION REQUIRED.

A. No person shall own, keep, or harbor any dog or cat four months of age or older unless such dog or cat has a current rabies vaccination. Every dog or cat must be revaccinated against rabies at a minimum of at least once every three years. Any person moving into the County shall comply with this section within ten days after having moved into the County.

B. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate using a form furnished by the veterinarian. Such certificate shall contain the following information:

1. the name, address, and telephone number of the owner of the vaccinated dog or cat;
2. the date of the vaccination;
3. the type of rabies vaccine used; and
4. the breed, age, color, and sex of the vaccinated dog or cat.

C. It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person charged with enforcement of these Regulations.

D. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

E. If on the trial of an offense under this Section the court finds that the person has been previously convicted of an offense under this Section, the offense is a Class B misdemeanor.

#### SECTION 9. IMPOUNDMENT.

A. The Sheriff's Office and other persons designated by the Sheriff's Office 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.

B. All animals seized and confined under this section should be impounded in an impoundment facility designated by the Sheriff's Office.

C. 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.

D. Nothing in this section shall be construed to limit an Animal Control Officer's ability to enter upon a premise when a violation of these Regulations or any applicable local, state, or federal law occurs in his or her presence and entry is made in accordance with the standards for entry enumerated in the Texas Code of Criminal Procedure.

E. Nothing in these Regulations should be construed as authority for the Sheriff's Office, 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.

F. Any person may take and deliver to an Animal Control Officer any stray that an Animal Control Officer is, by the provisions of these Regulations, authorized to impound.

G. When a dog or cat is stray and the Animal Control Officer knows its ownership, the Officer has the discretion to:

1. impound the animal;
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.

#### SECTION 10. REDEMPTION.

A. The owner shall be entitled to resume possession of any impounded dog or cat upon payment of the impoundment and daily handling fees and compliance with vaccination, registration, and other legal requirements for keeping such dog or cat.

B. Any dog or cat impounded and not claimed by the owner may be humanely destroyed after being held for at least seventy-two hours after impoundment; provided however, that any impounded dog or cat found to be microchipped or displaying a current vaccination

and/or registration tag shall be held for at least six days after impoundment. If the veterinary officer of the impoundment facility determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies or would be vaccinated prior to release for adoption, and would not constitute a threat to the public health or other animals, he or she may, after the holding period, offer such dog or cat for adoption.

C. Any dog or cat impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease, which would endanger the public health or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed.

D. Any dog or cat may be disposed of before the end of the required holding period if, upon notification of impoundment of the dog or cat, the owner states he or she does not wish to redeem the dog or cat and, subsequently, in writing, releases the animal to the sole jurisdiction of the County.

E. The owner of a dog or cat impounded and not redeemed within the required holding period shall be responsible for all associated fees (i.e. impoundment, daily handling, euthanasia) whether such animal is claimed or not.

F. This Section shall not apply to a dog or cat impounded because it has bitten or scratched a person, has been exposed to rabies, or is suspected of being rabid.

#### SECTION 11. IMPOUNDMENT FACILITIES.

The Commissioners Court may enter into contracts or agreements with public or private entities or animal shelters to provide for the impoundment of animals under these Regulations.

#### SECTION 12. ANIMALS EXPOSED TO RABIES.

A. Any person who has reason to believe that any animal, whether or not currently vaccinated, has been exposed to rabies must immediately report the incident to the Sheriff's Office.

B. Any such animal shall be impounded and placed in isolation in a facility approved by the Sheriff's Office, for such time as is necessary, depending upon all relevant circumstances, for a licensed veterinarian to determine that the animal has not contracted rabies.

C. If the owner of the animal cannot provide an approved isolation facility or does not agree to pay for the facility, the animal shall be humanely destroyed at the owner's expense.

D. If the animal's owner cannot be identified or located within seventy-two hours from the time of impoundment, not counting weekends and holidays, the animal shall be humanely destroyed.

E. In addition to any impound fees, any costs directly associated with the examination, treatment, and/or vaccination of the animal shall be paid by the owner prior to release of the animal.

F. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

### SECTION 13. REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES.

A. Any person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Sheriff's Office. The report shall include:

1. the name and address of the victim and of the animal's owner, if known; and
2. any other information that may help in locating the victim or animal.

B. An Animal Control Officer shall investigate each incident reported under this Section.

C. The owner, if any, of the biting animal shall place the animal in quarantine as prescribed in Section 14 under the supervision of an Animal Control Officer.

D. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

### SECTION 14. QUARANTINE.

A. When an Animal Control Officer has probable cause to believe that the owner of an animal that has bitten or scratched a human or is otherwise suspected of being rabid has been identified, the owner will be required to immediately produce the animal to the Animal Control Officer for ten days confinement at the owner's expense.

B. The ten day observation period begins on the day the animal is produced for quarantine.

C. The animal must be placed in an animal control facility or a veterinary hospital or such other place as approved by either the Texas Department of State Health Services or the Sheriff's Office.

D. If the animal cannot be maintained in a secure quarantine, or if the owner chooses not to pay for the quarantine, the animal shall be humanely destroyed, under the direction of the Sheriff's Office, and the brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis, at the owner's expense.

E. No wild animal will be placed in quarantine. All wild animals involved in biting or scratching incidents shall be humanely destroyed, under the direction of the Sheriff's Office, and the brain shall be submitted to a Texas Department of State Health Services certified laboratory

for rabies diagnosis.

F. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

G. Each day an animal is not produced for quarantine shall constitute a separate offense.

#### SECTION 15. DANGEROUS WILD ANIMALS.

A. Pursuant to the authority granted under section 240.002 of the Local Government Code, ownership, possession, confinement or care of a dangerous wild animal is prohibited within the unincorporated area of the County. This prohibition does not apply to those exceptions listed in section 822.102 of the Health & Safety Code.

B. Any person who violates a provision of this Section shall be guilty of a Class C misdemeanor.

#### SECTION 16. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of these Regulations.

#### SECTION 17. 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 any 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 Security Act, Chapter 1702 of the Texas Occupations Code.

#### SECTION 18. EFFECTIVE DATE

A. With the exception of Sections 6 and 7, these Regulations shall become effective on the 1<sup>st</sup> day of November, 2016.

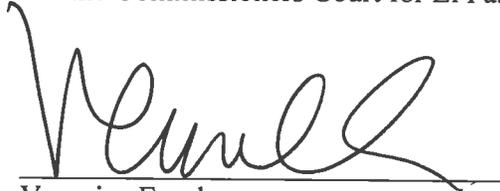
B. Sections 6 and 7 of these Regulations shall become effective on the 1<sup>st</sup> day of October, 2017.

C. All previously adopted rules and regulations are superseded and repealed.

Approved this the 24<sup>th</sup> day of October, 2016 by order of the Commissioners Court for El Paso County, Texas.



Delia Briones  
Delia Briones  
County Clerk



Veronica Escobar  
Veronica Escobar  
County Judge