

# **POLICY/ORDER**

A Galveston County United Board of Health Policy

## **GALVESTON COUNTY ANIMAL SERVICES LOCAL REGULATIONS AND RABIES CONTROL**

**WHEREAS**, the Galveston County United Board of Health (Board) is a policy-making board of public health district, established under Chapter 121. §121.002 of the Texas Health and Safety Codes encompassing fourteen (14) local governments: Galveston County, Bayou Vista, Clear Lake Shores, Dickinson, Friendswood, Galveston (city), Hitchcock, Jamaica Beach, Kemah, La Marque, League City, Santa Fe, Texas City and Tiki Island; and

**WHEREAS**, Chapter 826 (Rabies Control Act of 1981) provides Health Authorities of public health districts to enforce state law and rules and establish a local rabies control program; and

**WHEREAS**, the public health district provides animal services to the following participating county and cities through an Interlocal Agreement, Galveston County, Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, Texas City and Tiki Island; and

**WHEREAS**, it is the intention of this Board policy/order to be written pursuant to and in conformity with Chapters 481, 821, 823, 826, and 828 of the Texas Health and Safety Code; Chapter 169 of the Texas Administrative Code, Title 9, Chapter 42.09 and 42.10 of the Texas Penal Code as amended. Said rules and law are incorporated herein by reference, provided that the exceptions and/or additions contained herein shall also apply.

**NOW THEREFORE, BE IT ORDERED** by the Galveston County United Board of Health of the Galveston County Health District (District) (The word “**District**” shall mean the Galveston County Health District) as follows:

## **SCOPE OF SERVICES**

### Section 1. Authority to Enforce State Law and Rule

The Galveston County Health Authority (The words “**Health Authority**” shall mean a licensed physician designated by the Galveston County United Board of Health and having filed an oath of office and appointed by the Board to fulfill the statutory requirements of the Texas Health and Safety Codes provide for animal control and rabies eradication) is the person designated as the Local Rabies Control Authority for Galveston County pursuant to section 826.017 of the Health and Safety Code. The Animal Services Division shall act as the Health Authority’s designated animal control authority for purposes of Chapter 822 of the Texas Health and Safety Code. The Animal Services Division is authorized to enforce these Regulations and all laws applicable to the District’s local rabies control authority and animal control authority and is authorized to issue citations in the unincorporated area of Galveston County to enforce these regulations pursuant to Texas Health and Safety Code 121.003 (c).

These Regulations apply to all portions of the unincorporated Galveston County. These Regulations apply to incorporated cities that adopt these Regulations and execute cooperative agreements with the District for their enforcement.

### Section 2. Animal Services Advisory Committee

In accordance with its charge from the Galveston County United Board of Health, the Animal Services Advisory Committee shall assist the Animal Services Division by reviewing and recommending necessary changes in operations, budget matters, and compliance with all applicable laws, rules, regulations, and ordinances; this includes, but is not limited to, review of operating rules and policies and procedures for Animal Services. The Advisory Committee shall report to the Chief Executive Officer of the GCHD (CEO) or the CEO’s designee. The Advisory Committee consists of a minimum of eleven (11) and not more than eighteen (18) members as follows: One (1) member for each City who is Party hereto; One (1) member for the County who is a County Official; One (1) member for the County who is not required to be, but may be, a County Official (for a total of two (2) County representatives); One (1) member for the GCUBOH who is not required to be, but may be, a member of the GCUBOH or an employee of the GCHD; Two (2) members from animal welfare groups that are non-profit organizations (non-profit animal welfare group) as follows: a total of two (2) representatives with each of the two being from a different non-profit animal welfare group; One (1) veterinarian licensed by the Texas State Board of Veterinary Medical Examiners in accordance with the Veterinary Licensing Act to practice veterinary medicine in the State of Texas whose license is in an active status, whose license is not a provisional license, whose license is not a special license, and who practices veterinary medicine in the County of Galveston, Texas

## REGULATIONS FOR ANIMAL CONTROL

### Section 3. Mission and Purpose

The mission of the animal services division (The words “**Animal Services Division**” shall mean the Animal Services Division of the Galveston County Health District) is to control and eradicate the spread of rabies among the county’s animals, prevent rabies in the human population by controlling the animal population and establishing uniform rules for the control and eradication of rabies. In addition, animal services will promote responsible pet ownership through public education.

### Section 4. Rabies Vaccination Required

*Purpose: The purpose of this section is to require a licensed veterinarian (The words “**Licensed Veterinarian**” shall mean a veterinarian licensed in the State of Texas to practice veterinary medicine) to vaccinate every domestic dog (The word “**Dog**” shall mean a domesticated animal that is a member of the canine family), cat (The word “**cat**” shall mean Felis catus) and domestic ferret located within the jurisdictional area outlined in the Galveston County Animal Services Interlocal Agreement at least every three (3) years depending on the type of vaccine. Once vaccinated, a certificate of vaccination will be issued and certain confidential information about the owner will not be divulged. This requirement conforms to Texas Health and Safety Code (THSC) Chapter 826. Rabies, Subchapter C. Rabies Vaccinations.*

#### **A. Rabies Vaccination Period (THSC Section 826.021)**

The owner (The word “**Owner**” shall mean any person or agency, which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal) or custodian (excluding animal shelters) of each domestic dog or cat shall have the animal (The word “**Animal**” shall mean a non-human warm or cold-blooded animal, every living dumb creature, or any mammal, domesticated or wild) vaccinated against rabies (The word “**Rabies**” shall mean an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite) by four months of age as required in Chapter 169 of the Texas Administrative Code Rule 169.29. The animal must receive a booster within the twelve-month interval following initial vaccination. Every domestic dog or cat must be re-vaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations.

#### **B. Certificate of Rabies Vaccination (THSC Section 826.021)**

Official rabies vaccination certificates shall be issued by the vaccinating veterinarian and contain the following information:

- (1). Owner’s name, address, and telephone number;

- (2). Animal identification-species, sex (including neutered if applicable), approximate age (three months to 12 months, 12 months or older), size (pounds), predominant breed, and color;
- (3). Vaccine used-producer, expiration date, and serial number;
- (4). Date vaccinated;
- (5). Date vaccination expires (revaccination due date);
- (6). Rabies tag number if a tag is issued;
- (7). The veterinarian's signature or signature stamp and license number;
- (8). A copy of each rabies vaccination certificate issued shall be retained by the issuing veterinarian and readily retrievable for a period of not less than five years from the date of issuance.

**C. Confidentiality of Certain Information in Rabies Vaccination Certificate; Penalty (THSC Section 826.0211)**

- (1). Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code.
- (2). The information may be disclosed only to a governmental entity for purposes related to the protection of public health and safety. A governmental entity that receives the information, including a county or municipality that registers dogs and cats under this Subsection, must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.
- (3). A person (The word "**Person**" shall mean one as a human being, a partnership, or a corporation) that is recognized by law as the subject of rights and duties ) commits an offense if the person distributes information that is confidential under this section. Penalties are listed in THSC Section 826.0211

**Section 5. Registration and License of Dogs and Cats**

*Purpose: The purpose of this section is to outline requirements for owners of a dog or cat to register said animal with the District. Registration and licensing of animals can be accomplished in person or by mail. This information will be retained in the files at the District and will assist officials with a count of animals located within the District's jurisdictional boundaries, identify*

*gender and track the number of animals that are spayed and neutered. In addition, this information will assist District personnel in public health disaster preparedness planning. All animals that are registered will be issued a license that may assist owners in the recovery of a missing animal. This requirement conforms to Texas Health and Safety Code (THSC) Chapter 826. Rabies, Subchapter D. Registration and Restraint of Dogs and Cats and Texas Administrative Code Chapter 169, Vaccination Requirement.*

#### **A. Registration and License for Each Animal (THSC Section 826.031)**

The owner or custodian of a dog or cat is hereby required to register and to obtain from the licensing authority for each dog or cat a license that must be obtained within seven (7) days following its original rabies vaccination as required herein.

The owner or custodian of a dog or cat commits an offense if:

- (1). The owner or custodian fails or refuses to license or present for registration a dog or cat owned by the owner or custodian; and
- (2). The animal is required to be registered by District Policy/Ordinance;
- (3). If a person fails to register the animal, District personnel will issue a citation to the owner. A reasonable amount of time will be given to the owner to complete the registration.
- (4). An offense under this section is a misdemeanor.

#### **B. Proof of Rabies Vaccination (Texas Administrative Code Rule §169.29)**

A license for a dog or cat shall not be issued unless there is exhibited to the licensing authority a certificate from a licensed veterinarian showing that the animal to be licensed has been inoculated with an approved rabies vaccine, in accordance with the recommendations of the manufacturer.

#### **C. Valid Period**

The license as required in this section shall be valid for a period set by the Galveston County United Board of Health as long as the animal does not change ownership. If the animal changes ownership a new license must be purchased.

#### **D. Animals Brought Into District**

Any new resident covered by this policy that owns a dog or cat brought into the District from other areas shall within seven (7) days of arrival obtain a license for each dog or cat and register each dog or cat as required herein. Said license shall be valid for the time stated in this section of this rule.

### **E. License Tags Required**

Upon acceptance of the license application, rabies vaccination certificate and payment of a license fee, the District shall issue a durable tag, stamped with an identifying number and the year of issuance; and said tag and/or the receipt for payment of said license tag shall be presented to the District upon demand. Failure to present the license tag or the receipt for said tag, as required herein, shall constitute a violation of this rule.

### **F. License Tags Attached**

The owner of every dog or cat shall attach the license identification tag to a collar (The word “collar” shall mean any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog) or harness and said collar or harness with tags shall be worn by the dog or cat at all times when off the premises of the owner. Tags shall not be switched from one animal to another.

### **G. License Tags Lost**

The District shall maintain a record of the identifying numbers of all tags issued and this record shall be available to the public; provided however that information in the record that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure except as provided by Sections 826.0211 or 826.0311 of the Texas Health and Safety Code. If the license tag has been lost, a duplicate may be obtained from the District for a fee established by the Galveston County United Board of Health.

### **H. License Tag Fees (THSC Section 826.031)**

Any person required under this section of this rule to obtain a license for the animal shall pay a license fee set by the Galveston County United Board of Health. The fee collected for the registration of a dog shall be deposited to the credit of a special fund of the District and used only to defray the cost of administering this subchapter in the District, including the costs of registration and the identification tags.

### **I. License Tag Fees Prerequisite**

All license fees shall be paid to and collected by the District before any license will be issued. Registration and license tags may be completed in person at the Galveston County Animal Shelter, 3412 Loop 197 North, Texas City or by mail.

### **J. Exceptions**

The provision of this Section requiring the licensing of dogs and cats shall not apply to the following:

(1). Dogs and cats under the age of four (4) months if kept confined. (The words **“Confined or Confinement”** shall mean confined within a building, house or structure or within a fenced yard or premises, so that the animal cannot escape from said building, house, structure or fenced yard or premises without human assistance)

(2). Dogs or cats owned by persons who are non-residents of the District, traveling through the District or temporarily sojourning therein for a period not exceeding thirty (30) days. Upon request, the owner show proof of current rabies vaccination certification.

(3). Dogs or cats brought to the District for not more than 10 days exclusively for the purpose of entering the same in any show or exhibition, breeding purposes or trial.

(4). Dogs duly and properly trained to aid or assist blind persons when such dogs are actually used by blind persons for the purpose of aiding or assisting such blind persons in going from place to place. These animals should be registered with the District without paying a fee.

(5). Dogs duly and properly trained to aid or assist deaf persons when such dogs are actually used by deaf persons for the purpose of aiding or assisting such deaf persons in going from place to place. These animals should be registered with the District without paying a fee

(6). Dogs or cats kept in qualified institutions, approved by the Health Authority, for teaching or research purposes.

(7). Dogs or cats kept in veterinary hospitals (The words **“Veterinary Hospital”** shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals) or recognized animal shelters (The words **“Animal Shelter”** shall mean any facility keeps or legally impounds stray, homeless, abandoned, or unwanted animals) as defined in Appendix 1.

## **K. Registration; Penalty**

(1). A person commits an offense if:

(a). The person fails or refuses to register or present for registration a dog or cat owned by the person; and

(b). The animal is required to be registered under this policy adopted by the District’s Board of Health.

(2). An Animal Control Officer (The words “**Animal Control Officer**” shall mean the person or persons employed by the Galveston County District, Animal Services Division) will investigate all cases of non-registration. If the Animal Control Officer determines that a violation exists, the officer will review the case with the Animal Services Manger to determine if the case warrants a court filing.

(3). An offense under this section is a misdemeanor.

(4). An animal control officer will issue a citation to an owner of an animal that is not registered and each day that the animal is not registered is considered a new offense.

## Section 6. Adoption and Sterilization

*Purpose: The purpose of this section is to establish adoption standards of the District that reasonably promote the responsible management of dogs and cats by requiring spaying and neutering prior to release or in certain circumstances require the use of a signed sterilization agreement for every animal adopted. Every animal spayed or neutered shall be micro chipped or tattooed (The word “**Tattoo**” shall mean a permanent etching formed by injecting ink into the basal layer of the epidermis of an animal) in accordance with state law. These identification methods can be useful to animal owners in the event that their animal may become lost. Registered rescue organizations (The words “**Rescue Organizations**” shall mean a registered 501(c)(3) entity and approved by the Health Authority that adopts animals from the animal shelter) that pull animals from the Galveston County Animal Shelter shall submit a completed and signed sterilization agreement for every animal.*

### **A. Requirements for Adoption (THSC Section 828.002 and 828.003)**

The District shall not release a dog or cat for adoption unless the animal has been spayed or neutered or under special circumstances the release is made to a new owner (The words “**New Owner**” shall mean a person who is legally competent to enter into a binding contract and who is legally competent to enter into a binding contract and who is adopting an animal from a releasing agency) who signs an agreement to have the animal sterilized. The Animal Services Manager must approve these special circumstances. The Animal Services Manger will develop procedures to cover sterilization (The word “**Sterilization**” shall mean the surgical removal of the reproductive organs of animals or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce) requirements, nonsurgical sterilization, confirmation of sterilization, letters concerning animal’s death, letters concerning lost or stolen animals, notice of failure to receive a letter, and reclamation of owned animals.

### **B. Exceptions (THSC Section 828.013)**

This chapter does not apply to a dog or cat that is claimed from the District by a person who already owns the animal.

### **C. Microchipping or Tattooing**

Any animal adopted under this policy shall be sterilized and must be identified by a microchip (The word “**Microchip**” shall mean a transponder that is placed under an animal's skin by an injector and can be read by a microchip scanner) and/or a tattoo indicating that it has been sterilized. The Animal Services Manager will develop procedures that will fully explain the standards for micro chipping and tattooing along with the penalties associated with not complying with this requirement.

### **D. Refund Policy**

There are no refunds.

## **Section 7. Restraint, Impoundment and Disposition of Dogs and Cats to Prevent a Public Nuisance**

*Purpose: The purpose of this section is to make certain that every owner of an animal exercises proper care and control to prevent their animal from running at large (The words “**Running at large**” or “at large” shall mean that a dog is not under the control of the owner, or that of a person or persons authorized by the owner to care for said dog, either by cord, leash, chain or confinement) and becoming a public nuisance. This section also empowers Animal Control Officers to capture any and all animals deemed running at large or creating a public nuisance. Once captured, the Animal Control Officer impounds the animal and documents all known information.*

### **A. Restraint (THSC Section 826.033)**

(1). Every owner shall exercise proper care and control of his or her animal by keeping the animal restrained and not allowing the animal to become a stray (The word “**Stray**” shall mean roaming with no physical restraint beyond the premises of an animal’s owner or keeper) while in the jurisdiction of the District and to prevent them from becoming a public nuisance.

(2). All of the following conditions, situations or occurrences are hereby declared to be a public nuisance and constitutes failure of the owner to exercise proper care and control of his animal and/or the premises where said animal or animals are or have been kept:

(a). Every stray animal is a public nuisance. The District receives and responds to animal public nuisances that involve dogs and cats. Local municipalities and/or the county’s sheriff office handle livestock (The word “**Livestock**” shall mean exotic livestock as defined by Section 161.001, Agriculture Code) that are public nuisances. District personnel respond to wildlife nuisances and may request assistance from other governmental agencies and/or a certified wildlife rehabilitator.

(b). Any animal that turns over garbage containers or scatters garbage or which otherwise damages private or public property.

(c). Any dog, livestock or fowl at large or free-roaming off of private property owned or controlled by the owner of said dog, livestock or fowl.

(d). Any animal which barks, whines, howls or makes other sounds or noises in an excessive, continuous or untimely fashion.

(e). Any building, room, cage, kennel, yard, run or any other place or facility where animals are kept or harbored which is not maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, the attraction, harboring or breeding of rodents or potential breeding of rodents or the creation of any other public health nuisances.

## **B. Impoundment**

(1). Animal Control has the authority to impound the following:

(a). All stray animals (dogs and cats), however in extenuating circumstances that involve the impoundment of other animals the Animal Services Manager shall approve.

(b). Any animal that has bitten or scratched a person; and

(c). Any animal that has been exposed to rabies or potentially exposed.

(2). All animals seized and confined under this section should be impounded in an impoundment facility designated by Animal Control and shall supply the animal with sufficient wholesome food and water during its confinement. All animals seized will be held in impoundment for a minimum of three (3) days.

(3). Any person may take and deliver to Animal Control or to an Animal Control Officer any stray to impound.

## **C. Impoundment of Owned Animals - Unrestrained (Running At Large)**

When animals are unrestrained or stray and the Animal Control Officer knows their ownership, the officer shall secure/impound the animal and issue a citation to the owner of the animal to appear in a court to answer charges of violation of this Policy/Order; ~~or~~

#### **D. Unrestrained (At Large) - Riding in Vehicle**

Unrestrained animals in the back of pickup trucks, which are not covered with a camper cover or other such device, shall be considered at large. When animals are unrestrained the animal control officer can secure the animal and issue a citation to the owner of the animal to appear in a court to answer charges of violation of this Policy/Order; or impound the animal and issue a citation to the owner of the animal to appear in a court to answer charges of violation of these Policy/Order. Animals in vehicles shall be restrained in a manner, which will not cause injury and will prevent the animal from reaching the outside of the vehicle.

#### **E. Unrestrained (At Large) – on Private Property**

Any dog found running at large upon any private property other than that of the owners may be taken up by any person and delivered to the Galveston County Animal Shelter without fee or charge, and the District shall thereupon hold and dispose of such animal as though such animal had been found running at large and impounded by Animal Control. All dogs impounded under this section shall be held for a minimum of three (3) days. At the end of the three (3) days the District will determine its disposition. For unhealthy animals, the Animal Services Manager at his or her discretion may humanely euthanize the dog.

#### **F. Unlawful Restraint of Dog – Anti Tethering Law (THSC Section 821.077)**

An owner may not leave a dog outside and unattended by use of a restraint (The word **“Restraint”** shall mean 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:

1. Between the hours of 10 pm and 6 am;
2. Within 500 feet of the premises of a school; or
3. In the case of extreme weather conditions in which:
  - a. The actual or effective outdoor temperature is below 32 degrees Fahrenheit;
  - b. A heat advisory has been issued by a local or state authority or jurisdiction; or
  - c. A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

In this section, a restraint unreasonably limits a dog’s movement if the restraint:

Uses a collar that is pinch- type, prong-type, or choke-type or that is not properly fitted (The words **“Properly Fitted”** shall mean, with respect to a collar, a collar that measures the circumference of a dog’s neck plus at least one inch)

1. 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.

## **G. Anti-Tethering Law: PENALTY. (THSC Section 821.079)**

- (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 owner is violating this subchapter shall provide the owner 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 owner.
- (c) A person commits an offense if the person is provided a statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.
- (d) A person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. An offense under this subsection is a Class B misdemeanor.
- (e) If a person fails to comply with this subchapter 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 this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

In addition to the sections above, the owner of any dog shall comply with all requirements found in the Chapter 821, Texas Health and Safety Code, Subchapter D. Unlawful Restraint of dog

## **Section 8. Reporting and Quarantine of Rabies Suspect**

*Purpose: The purpose of this section is insure uniform and consistent reporting, investigating and quarantining of any animal that the Health Authority or his or her designee believes to be rabid, may have been exposed to rabies, or may have exposed a person to rabies.*

### **A. Reporting (THSC Section 826.041)**

- (1). A person who knows of an animal bite (The word “**Bite**” shall mean 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) 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 local rabies control authority, in which the animal is located, or in which the exposure occurs. The report shall include all information necessary to assist in the investigation.

## **B. Quarantine of Animals (THSC Section 826.042)**

(1). Whenever and wherever in this Policy/Order an animal is required to be confined in quarantine (The word “**Quarantine**” shall mean the strict confinement of an animal in such a manner and period of time as prescribed by the Health Authority), the time, place and method of confinement shall be at the discretion of the Health Authority. Animals required to be confined shall be quarantined at the Galveston County Animal Shelter, a veterinary clinic or a state approved quarantine facility.

(2). The Health Authority may order the quarantine or testing in accordance with this policy, any animal that the Health Authority has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies. Testing requires euthanasia of the animal, removal of the head and laboratory analysis at a state approved laboratory.

(3). An owner shall submit to the Health Authority for quarantine an animal that is reported to be rabid or to have exposed an individual to rabies or the owner knows or suspects is rabid or has exposed an individual to rabies, as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

(6). The quarantine period shall be at least ten (10) days or 240 hours from time of bite in a place of confinement designated or approved by the local rabies control authority and under such conditions and in such a manner as may be prescribed by the Health Authority.

## **C. Release or Disposition of Quarantined Animal (THSC Section 826.043)**

(1). If the Health Authority or his or her designee determines that a quarantined animal does not show the clinical signs of rabies, the Health Authority or his or her designee shall release the animal to its owner when the quarantine period ends if:

(a). The owner has a valid rabies vaccination certificate for the animal;

Or

(b). The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

(2). If the Health Authority or his or her designee determines that a quarantined animal shows the clinical signs of rabies, the Health Authority or his or her designee shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the Health Authority or his or her designee shall remove the head or brain of the animal and submit it a state approved laboratory for testing.

(3). The owner of an animal that is quarantined under this chapter shall pay to the District the reasonable costs of the quarantine and disposition of the animal. The Health Authority or his or her designee may bring suit to collect those costs.

(4). The Health Authority or his or her designee may keep, grant, or destroy an animal if the owner does not take possession of the animal before the fourth day following the final day of the quarantine period.

(5). It shall be a violation of this Policy/Order for the owner or any other person to remove any animal that is required to be quarantined or euthanized or which is otherwise in violation of this Policy/Order from the jurisdiction of the District without written permission from the Health Authority or his or her designee and release or movement from the place of approved confinement shall only be in accordance with this section.

(6). No animal shall be released or moved from the place of quarantine, except by the Health Authority or his or her designee until after the ten (10) day quarantine period and then only after inspection of the animal has been made and its release approved by the Health Authority or his or her designee.

#### **D. Quarantine: Penalty**

(1). A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that:

(a). Is required to be placed in quarantine or presented for testing under this section; or

(b). An offense under this section is a misdemeanor.

#### **J. Exceptions (THSC Section 826.048)**

Currently vaccinated and registered assistance, therapy and police dogs are exempt from the quarantine requirements found in this section.

#### **K. Fees and Cost**

Transportation, capture, laboratory costs, veterinarian impound fees, quarantine costs, euthanasia, body disposal, vaccination costs, and any and all other fees, costs, charges and duties for quarantine and disposition of the animal shall be the direct responsibility of the animal owner or custodian. Failure of the owner or custodian to pay such costs and fees shall constitute a violation of this Policy/Order.

## Section 9. Number of Dogs and Cats Limited

*Purpose: The purpose of this section is to allow individuals to keep, harbor, possess, maintain or allow to be kept an unlimited number of dogs and cats as long as all of the dogs and cats are spayed or neutered. If an individual chooses to keep, harbor, possess, maintain or allow to be kept dogs and/or cats that are not spayed or neutered, the policy limits that individual to four dogs, four cats or a combination of said animals not to exceed four (4). Individuals maintaining more than four unaltered animals will be required to apply for an animal establishment (The words “**Animal Establishment**” shall mean any pet shop, zoological park, or grooming facility be it a fixed facility or mobile, any building, establishment, place or premises wherein any person, business or corporation engages in the boarding, breeding, buying, selling, letting for hire, or training for a profit any canine or feline animal or animals, or wherein any person keeps, harbors, possesses, or maintains more than four (4) dogs or four (4) cats or a combination of said animals with the total number exceeding four (4) over three (3) months old and at least one (1) of the animals is not spayed or neutered. All animal establishments shall be in compliance with all siting and construction standards as outlined in any local or municipal code, ordinance, rule, regulation or any deed restriction of the property where the construction of a kennel is proposed) permit and meet all of the construction standards of a kennel.*

### **A. Private Premises**

Any person may keep, harbor, possess, maintain, or allow to be kept, harbor, possessed or maintained any number of animals if the following requirements are met: all of the animals are spayed or neutered and all are registered with the District. If one or more of the animals are not spayed or neutered, an individual may not possess more than four (4) dogs or four (4) cats or a combination of said animals with the total number exceeding four (4), over three (3) months old, upon or within any premises owned, occupied or under the control of such person within the District except where specifically exempt in this rule. Any local code, rule, or regulation that is more limiting on the number of dogs and cats supersedes this section.

### **B. Multiple Dwellings**

It shall be unlawful for any person to keep, harbor, possess, maintain or allow to be kept, harbored, possessed or maintained more than two (2) dogs or two (2) cats or a combination of said animals with the total number exceeding two (2), over three (3) months old, upon any premises or within any apartment of a multiple dwelling (The words “**Multiple Dwelling**” shall mean any structure designed and intended to accommodate more than one (1) family and includes but is not limited to duplex buildings and apartment buildings) structure within the District. The Health Authority shall have full authority to limit the number of dogs, cats and any and all other animals per apartment, in any specific area of the complex, or in the multiple dwelling complex as a whole and he or she shall have the authority to enforce any such regulation as he or she may deem necessary for the control of rabies and for the health and safety of the people within such multiple dwelling complexes.

## C. Exceptions

The provision of this section limiting the number of animals shall not apply to the following:

- (1). Veterinary Hospitals
- (2). Permitted Animal Establishments
- (3). Animal Shelters
- (4). Registered Fosters, if the following conditions are met:
  - (a). Persons that foster dogs and cats shall be registered with the District.
  - (b). Persons that foster dogs and cats shall have no more than two (2) fostered dogs and cats over the limits as described in this section. If animals are altered, foster can have more than two (2) over the limit.

## Section 10. Cruelty to Animals and Dog Fighting

*Purpose: The purpose of this section is to define the roles and responsibilities of the District in the investigation of cruelty to animals. The District will provide for the initial investigation into the claims of animal cruelty, assess the health and welfare of the animal, inform the owner of the suspected cruelty, advise owner of proper care and management of animals and provide for the necessary enforcement when applicable. If an animal must be seized as part of cruelty investigation, the District will assist law enforcement in the removal of animals during a law enforcement directed seizure, assist in the transportation of the animals to a licensed veterinarian for an evaluation of the animal's health and welfare, and upon request, house and provide care for all animals obtained during a seizure. All warrants directing the seizure of animals shall be served by a certified peace officer. The District will work the Galveston County District Attorney's Office to seek restitution for the expenses associated with the seizure and the care of the animals. These sections conform to Penal Code Title 9.*

### A. Cruelty (Penal Code, Title 9, §42.09)

A person commits an offense if the person intentionally or knowingly:

- (1). Tortures an animal;
- (2). Fails unreasonably to provide necessary food, care, or shelter (The words "**Necessary food, care, or shelter**" shall mean food, care, or shelter provided to the extent required to maintain the animal in a state of good health)

for an animal in the person's custody (The word "**Custody**" shall mean the responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal);

- (3). Abandons (The word “**Abandon**” shall mean the abandoning of an animal in the person’s custody without reasonable arrangements for assumption of custody to another person) unreasonably an animal in the person's custody;
- 4). Transports or confines an animal in a cruel manner (The words “**Cruel Manner**” or “**Cruelly Treated**” shall mean a manner that causes or permits unjustified or unwarranted pain or suffering, tortured, seriously overworked, unreasonably deprived of necessary food, care, or shelter, cruelly confined or caused to fight with another animal);
- (5). Kills, seriously injures, or administers poison to an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
- (6). Causes one animal to fight with another;
- (7). Uses a live animal as a lure in dog race training or in dog coursing on a racetrack;
- (8). Trips (The word "**Trip**" shall mean to use an object to cause a horse to fall or lose its balance a horse);
- (9). Injures an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent; or
- (10). Seriously overworks an animal.

## **B. Exceptions**

- (1). It is an exception to the application of this section that the conduct engaged in by the person is a generally accepted and otherwise lawful:
  - (a). Use of an animal if that use occurs solely for the purpose of:
    - (1). Fishing, hunting, or trapping; or
    - (2). Wildlife control as regulated by state and federal law; or
  - (b). Animal husbandry or farming practice involving livestock.

## Section 11. Seizure of Animal(s)

*Purpose: The District’s Role in the seizure of dogs causing death or serious bodily injury to a person is to assist law enforcement agencies and fulfill the wishes of any court with jurisdictional authority to seize a dog. The District shall seize the dog and shall provide impoundment of the dog in secure and humane conditions until time that the court orders the disposition of the dog. Trained personnel will provide for the humane destruction of the dog at the order of the court.*

## Section 12. Dangerous Dogs

*Purpose: The purpose of this section is to assess dog behavior and determine if this behavior is classified as dangerous. The Animal Services Manager reviews all dangerous dog (The words “**Dangerous Dog**” shall mean s a dog that 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 commits unprovoked acts in a place other than an enclosure in which the dog is 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) determination cases. Once identified as a dangerous dog, the owner is required to follow the requirements for the owner of a dangerous dog as outlined in this section. An owner of a dangerous dog can appeal the decision of the Animal Control Officer to the Animal Services Manager to the Health Authority. The decision of the Health Authority is final. The owner may appeal this final decision to the local court system.*

### **A. Dangerous Dog Behavior**

- (1). Any dog that inflicts severe bodily injury (The words “**Severe Bodily Injury**” shall mean an injury characterized by severe bit wounds or sever ripping and tearing of the muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment) or death to a person on public or private property; or
- (2). Any dog that has killed a domestic animal without provocation while off the owner’s property; or
- (3). Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of persons or domestic animals

### **B. Requirements for Owner or Custodian of Dangerous Dog (THSC Section 822.042).**

- (1). Not later than the 10th day after a person learns that the person is the owner of a dangerous dog, the person shall:
  - (a). Annually register the dangerous dog with the District; and
  - (b). Restrain the dangerous dog at all times either on a leash in the immediate control of a person or in a secure enclosure (The words “**Secure Enclosure**” means a fence area or structure that is locked, capable of preventing the entry of the general public, including children, capable of preventing the escape or release of a dog, clearly marked as containing a dangerous dog and in conformance with the requirements of the District The structure/pen shall provide enough room for the animal on all four limbs to turn around without touching

the sides of the structure/pen. The structure/pen shall provide protection from the elements for the dangerous dog. The Health Authority shall have the right to require more stringent logistics for the structure/pen based upon the type of dog to be kept in the enclosure and its anticipated ability to escape) ; and

(c). Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 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 that identifies in the policy that the dangerous dog is covered or financial responsibility to the District. The insurance shall be for a twelve month period and shall not be cancelled unless the animal is no longer kept by the owner; and

(d). The dangerous dog when taken outside of the enclosure must be securely muzzled in a manner that will not cause injury to the dangerous dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal; and the dangerous dog must be restrained by high visibility collar marked with the words “dangerous dog” on the collar and must be connected to a substantial chain or cable leash having a minimum tensile strength of 1000 pounds and not to exceed 6 feet in length; and

(e). The owner shall post a sign on his or hers premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway; and

(f). The dangerous dog shall be spayed or neutered and microchipped; and

(g). The owner shall notify the District as soon as possible, but under any circumstance not later than twenty-four (24) hours, if a dangerous dog is loose, stolen, unconfined in a secured enclosure, has attacked another animal, has attacked a person, or has died; and

(h). The District may at it’s discretion allow or disallow the relocation of a dangerous dog. Approval to relocate a dangerous dog shall be in writing. If the owner or custodian of a dangerous dog obtains approval to relocate, the owner or custodian shall provide the District with the name, address and telephone number of the new location of the new secure enclosure. The new secure enclosure shall comply with all of the requirements of owners or custodians of dangerous dogs immediately. If the relocation is outside the jurisdictional boundaries of the District, the Animal Services Division shall notify the appropriate animal control authority in that jurisdiction.

(2). The owner of a dangerous dog who does not comply with this section by the 10<sup>th</sup> day after the owner learns that the dog is a dangerous dog, the owner shall deliver the dog to the Galveston County Animal Shelter.

(3). If, on application of any person, the District, after notice and hearing as provided by this section, that the owner of a dangerous dog has failed to comply with this section, the District shall file in court for an order to seize the dog. The warrant will authorize the seizure. The Animal Services Division shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(4). The owner shall pay any and all cost or fee assessed by the District related to the seizure, acceptance, impoundment, or destruction of the dog. The fees are set by the Galveston County United Board of Health.

(5). The Health Authority shall order the Animal Services Division to humanely destroy the dog if the owner has not complied with this section before the 4<sup>th</sup> day after the date on which the dog is seized or delivered to the Galveston County Animal Shelter. The Health Authority shall order the Animal Services Division to return the dog to the owner if the owner complies with this section before the 4<sup>th</sup> day after the date on which the dog is seized or delivered to the Galveston County Animal Shelter.

(6). The Health Authority may order the humane destruction of a dog if the owner of the dog has not been located before the 4<sup>th</sup> day after the seizure and impoundment of the dog.

(7). For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(a). The owner knows of an attack as described in the definition of dangerous dog behavior ; or

(b). The owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under this section; or

(c). The owner or custodian is informed by the Animal Control Authority that the dog is a dangerous dog under this section.

### **C. Determination that Dog is Dangerous and Appeal Process (THSC Section 822.0421)**

(1). If a person reports an incident described in dangerous dog behavior, the Animal Services Division shall investigate the incident. An Animal Control Officer will conduct a thorough investigation of the incident and will recommend to the Animal Services Manager if a dangerous dog declaration is appropriate. If, after receiving the recommendation of the Animal Control Officer and the sworn

statements of any witnesses, the Animal Services Manager will make the determination that the dog is dangerous. The manager shall notify the owner of that fact by certified letter or by hand delivery of that letter.

(2). An owner, not later than the 5<sup>th</sup> 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 Services Manager. An owner of the dangerous dog may appeal the decision, to the Health Authority. The Decision of the Health Authority is final.

(3). The owner of the dangerous dog shall comply with the requirements for owners of dangerous dogs during the appeal process.

#### **D. Registration (THSC Section 822.043)**

Annually register the dangerous dog with the Animal Services Division in compliance with the Texas Health and Safety Code.

(1). Presents proof of:

(a). Liability insurance or financial responsibility, as required by this section.

(b). Current rabies vaccination of the dangerous dog; and

(c). The secure enclosure in which the dangerous dog will be kept.

(2). Pays an annual registration fee as approved by the Galveston County United Board of Health.

(3). The Animal Services Division shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(4). If an owner of a registered dangerous dog moves the dog to a new address, the owner or, not later than the 14<sup>th</sup> day after the date of the move, shall notify the Animal Services Division for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as approved by the Galveston County United Board of Health, the Animal Services Division shall issue a new registration tag to be placed on the dangerous dog's collar.

(5). An owner of a registered dangerous dog shall notify the Animal Services Division of any attacks the dangerous dog makes on people.

## **I. Dangerous Dog at Large**

Any dangerous dog found at large after the owner thereof has previous knowledge or notice that such dog is dangerous may be tranquilized, captured, impounded and humanely destroyed with or without notifying the owner.

### **Section 13. Keeping of Dangerous Wild Animals Prohibited with Exceptions**

*Purpose: The purpose of this section is to stop any additional importation of dangerous wild animals (The words “**Dangerous Wild Animals**” shall mean and include any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is or may be dangerous to human beings. Such animals shall include, but not limited to, lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, bobcats, panthers, lynx, servals, caracals, hyenas, bears, wolves, coyotes, jackals, raccoons, skunks, (whether deodorized or not), baboons, chimpanzees, orangutans, gorillas, and other non-human primate mammals, foxes, elephants, rhinoceroses, alligators, crocodiles, all forms of poisonous reptiles, insects and arachnids and any hybrid of these animals. The term “wild animal” as used in this rule shall not include gerbils, hamsters, guinea pigs, mice or rabbits) into Galveston County. Current registered dangerous wild animals may remain within the county until time that the dangerous wild animal is moved to another area outside of Galveston County or the animal becomes deceased. A person that owns, harbors or has custody of a registered wild animal shall comply with all of the registration requirements of the District and hold a valid certificate of registration as issued by the District.*

#### **A. Applicability (THSC Section 822.102)**

- (1). The District shall not allow for the importation of any dangerous wild animal as defined in Appendix 1 into the jurisdictional area served by this Policy/Order
- (2). This subchapter does not apply to:
  - (a). Any current registered dangerous wild animal located in Galveston County.
  - (b). A District, county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;
  - (c). A research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;
  - (d). An organization that is an accredited member of the American Zoo and Aquarium Association;

(e). An injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(f). An injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(g). A dangerous wild animal owned by and in the custody and control of a transient circus (The word “**Circus**” shall mean a commercial variety show featuring animal acts for public entertainment) company that is not based in this state if:

(1). The animal is used as an integral part of the circus performances; and

(2). The animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(h). A dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(i). A dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(j). A dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(k). A nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments;

(l). A dangerous wild animal that is:

(1). Owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and

(2). An integral part of that species survival plan.

(3.) Only owners of dangerous wild animals currently registered with the District prior to January 1, 2007 may retain or renew registration for dangerous wild animals. An applicant for a renewal certificate of registration for a dangerous wild animal must file an application with the District on forms provided by the District. The applicant shall pay a reasonable fee established by the Galveston County United Board of Health to recover the costs associated with the administration and enforcement of this section of the Policy/Order. A certificate of registration issued under this section is not transferable and is valid for one year after its date of issuance or renewal unless revoked under the powers of the Health Authority.

#### Section 14. Animal Shelters (THSC Chapter 823)

*Purpose: The Galveston County Animal Shelter is operated in compliance with the standards for housing and sanitation existing on September 1, 1982 as adopted under Chapter 826 (rabies Control Act of 1981). The Galveston County Animal Shelter serves the current members to the Galveston County Animal Services Interlocal Agreement. All shelter personnel are trained as prescribed by the Texas Department of State Health Services standards for the humane treatment and care of animals, animal disease, and the transportation of animals. In addition, the Galveston County Animal Services Advisory Committee as described in Section 3 of this policy/order serves the shelter.*

#### Section 15. Euthanasia of Animals (THSC Chapter 821, Section 821.051)

*Purpose: The District administers sodium pentobarbital to euthanize animals in the custody of the animal shelter in accordance with the requirements and procedures established by the Texas Health and Safety Code Section 821.051. An approved sponsor and curriculum in the proper methods and techniques for euthanizing animals train all Animal Services Division employees.*

#### Section 16. Disposal of Carcasses

*Purpose: The owner of an animal that has control of the animal before or at the time of the animal's death shall be responsible for the proper disposal of the animal carcass and shall assume all costs associated with this disposal. If the owner of a dead animal cannot be identified, the property owner or the person having control of the property containing the carcass shall be responsible for the disposal of the carcass and shall also assume all of the costs associated with the proper disposal.*

## Section 17. Permits Required for Animal Establishments

*Purpose: The purpose of this section is to establish a pre-construction plan review program to determine compliance with the approved construction standards for animal establishments. Once approved a permit for each facility is issued along with a permit fee. The permit is valid for one year and each animal establishment is considered a separate facility. Prior to the issuance of the valid permit or prior to the re-issuance of the permit, District personnel will inspect the facility for compliance with all standards promulgated for animal establishments..*

### **A. Valid Permit Required**

Any person conducting, managing, owning, or maintaining an animal establishment as defined in Appendix 1 must have a valid permit for said establishment.

### **B. Permit Fees**

Any person in the District conducting, managing, owning, or maintaining an animal establishment shall obtain a permit from the District and pay a permit fee as established by the Galveston County United Board of Health. Certified checks, cashier's checks, personal checks, or money orders shall be sent to the Galveston County Health District, Attn: Accounts Payable, 1207 Oak Street (P.O. Box 939), La Marque, Texas 77568, and shall be made payable to Galveston County District.

### **C. Each Facility Separate**

Each and every facility regulated by this Policy/Order shall be considered a separate enterprise and requires an individual permit.

### **D. Construction Plans**

All plans for construction of animal establishments shall be submitted to and approved by the District before any valid permit is issued or any construction is begun. Submission of plans and general compliance with the provisions of this rule shall be the responsibility of the owner.

### **E. Exceptions**

No fee may required of any veterinary hospital, animal shelter, government operated zoological park (The words "**Zoological Park**" shall mean a tract of land set aside in a natural or man made state, which displays or exhibits one (1) or more non-domesticated animals which are under the control and supervision of a trained experienced professional animal handler and cared for by a licensed veterinarian. The Director may require proof of training and experience. The park shall be constructed in such a manner as to preclude the possibility of an animal escaping from such park and/or cages or pens. Park construction, pens, cages and equipment shall be designed and constructed in such a manner as to protect the animals and the public. The regulatory authority may require

proof of acceptable design and construction. All animals therein and their enclosures shall be approved by the Director. Where required, all zoological parks shall be federally inspected and licensed. A park attendant shall be on duty at all times the park is open or accessible to the public) or institutions approved by the Health Authority for teaching or research purposes.

#### **F. Application for Permit**

Any person desiring to construct or operate an animal establishment shall make written application for a permit on forms provided by the District.

#### **G. Plans Inspected**

Prior to the approval of an application for a permit the District shall inspect the plans and specifications of the proposed establishment to determine compliance with this rule and the District's "Construction Standards for Animal Establishments".

#### **H. Validation Period**

The District shall issue a permit to the applicant if the District's final inspection reveals that the said animal establishment complies with the requirements of this rule and the District's "Construction Standards for Animal Establishments". Each permit issued under the provisions of this rule shall be valid for a period of one year.

#### **I. Inspections**

It shall be a condition of the issuance of any permit or license that the Health Authority or his or her designee shall be permitted to inspect all animals and the premises where the animals are kept at a reasonable hour and shall, if permission for such inspection is refused, revoke the permit.

#### **K. Animal Cruelty**

No person who is or has been convicted of criminal cruelty to an animal, or ever had animals seized under civil seizure proceedings within the State of Texas shall be issued or allowed to hold a permit to operate an animal establishment.

#### **L. Failure to Comply**

The Health Authority or designee may, after providing an opportunity for a hearing, revoke a permit for serious, willful or repeated violations of any of the requirements of this policy/order or any state, federal or local law or ordinance or for interference with the Health Authority in the performance of his or hers duties. Two (2) or more convictions within a twelve (12) month period shall constitute repeated violations. The Health Authority or his or her designee may revoke a permit if the applicant withholds, falsifies or misrepresents any information on the application form.

### **M. Appeal Request**

Prior to revocation, the Health Authority or designee shall notify the holder of the permit, or the person in charge, in writing of the reason for which the permit is subject to revocation; and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for an appeal is filed with the Health Authority or designee by the holder of the permit within such ten (10) day period. If no request for an appeal is filed within the ten (10) day period, the revocation of the permit becomes final and no part of the permit fee shall be refunded.

### **N. Service of Notice**

A notice provided for in this Policy/Order is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit , regardless of whether the letter is or is not received by the holder of the permit .

### **O. Appeals**

The appeals provided for in this section shall be conducted by the Health Authority's designee at a time and place designated by the District. Based upon the evidence of such hearing, the Health Authority's designee shall make a determination of the revocation, and shall sustain, modify or rescind any notice or order of revocation. The person requesting an appeal may appeal the decision of the Health Authority's designee to the Health Authority. The decision of the Health Authority is final.

### **P. Disposition of Animals Following Revocation**

Any person whose permit is revoked shall, within ten (10) days after revocation:

- (1). Humanely dispose of all animals owned, kept, or harbored by such person in a manner approved by the District; or
- (2). Relocate animals to areas or places approved by the Health Authority or his or hers designee. The Health Authority or his or hers designee may at his or hers discretion allow or disallow relocation; or
- (3). Release animals to the District and pay all costs incurred in the handling of said animals such as transporting, housing, feeding and disposal.

### **Q. Application Following Revocation**

Whenever a revocation has become final, the person whose permit has been revoked may not apply for nor receive a new permit or license for a period of (1) year from the date of the revocation. One (1) year after the date of revocation a person may re-apply for a

permit and shall include with the application, verification that all reasons and conditions, which led to the revocation, have been corrected. Any person re-applying for a permit under this section shall be subject to all requirements as stated in this Policy/Order. Any person having a permit revoked for the second time shall not be eligible for a new permit.

## Section 18. Releasing or Abandonment of Animals

### **A. Violation to Release or Abandon an Animal**

It shall be a violation of this Policy/Order for any person to release or abandon any animal, dog, cat or other whatsoever on any property, whether public or private, within the District. An animal shall be considered abandoned if the owner has not provided care, including food, water or shelter, for three (3) or more consecutive days.

### **B. Person Having Knowledge of Releasing and Abandoning**

Any person having knowledge of an animal which has been or is believed to have been released or abandoned shall so notify the Animal Services Divison and shall give all pertinent information including description and location of the animal and the name, address, car license number, or any other information or description of the person who dumped, released or abandoned the animal, if known.

### **C. Keeping, Harboring or Feeding Strays**

Any person who keeps, harbors, feeds, shelters or otherwise allows any stray animal or any animal, which has been released or abandoned, to remain on the person's property for three (3) or more days without notifying the District, shall hereby be deemed the owner of said animal.

## Section 19. Wildlife

### **A. Keeping of Wildlife**

No person may collect, hold, possess, display, transport, release, or propagate protected wildlife for the purposes of this subchapter without a permit issued under the Parks and Wildlife Code, Chapter 43. Special Licenses and Permits.

## Section 20. Right to Enter Property

### **A. Right to Enter**

(1). Animal Control Officers are authorized to enter any unsecured or unfenced lot, tract or parcel of land for the purpose of capturing any animal running at large.

(2). Nothing in this Policy/Order shall be construed as authority for Animal Control Officers, employees or their agents to enter buildings unless:

- (a). The owner or other person with control over the premises consents to entry,
- (b). A valid warrant is obtained, or
- (c). 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.

### Section 21. Interference with Animal Control Officer

No person may interfere with, hinder or molest any Animal Control Officer, or other party designated by Animal Control, in the performance of any duty delegated in this Policy/Order, nor shall any person seek to release any animal impounded under the provisions of this Policy/Order except as herein provided

### Section 22. Duties of Health Authority (THSC Section 121.024)

- (1) A health authority is a state officer when performing duties prescribed by state law.
- (2) A health authority shall perform each duty that is:
  - (1) necessary to implement and enforce a law to protect the public health; or
  - (2) prescribed by the board.
- (3) The duties of a health authority include:
  - (a) establishing, maintaining, and enforcing quarantine in the health authority's jurisdiction;
  - (b) aiding the board in relation to local quarantine, inspection, disease prevention and suppression, birth and death statistics, and general sanitation in the health authority's jurisdiction;
  - (c) reporting the presence of contagious, infectious, and dangerous epidemic diseases in the health authority's jurisdiction to the board in the manner and at the times prescribed by the board;
  - (d) reporting to the board on any subject on which it is proper for the board to direct that a report be made; and

(e) aiding the board in the enforcement of the following in the health authority's jurisdiction:

- (A) proper rules, requirements, and ordinances;
- (B) sanitation laws;
- (C) quarantine rules; and
- (D) vital statistics collections.

### Section 23. Health Authority may Promulgate Rules

The Health Authority shall have the power, with the approval of the Board, to prescribe and promulgate such policy/orders, not inconsistent with any law of the State, as may be deemed necessary to protect the health and safety of the people and to effectively perform the duties imposed herein.

### Section 24. Enforcement

The Health Authority of the Galveston County District or his delegated representative shall enforce the provisions of this policy/order. It shall be a violation of this rule to interfere with the Health Authority or his delegated officer or any other delegated representative of the Health Authority in the performance of their duties.

### Section 25. Issuance of Citations

In addition to or in lieu of impounding an animal which is violation or has violated any section or subsection of this rule or in addition to or in lieu of suspension or revocation of a license or permit, the Animal Services Division may issue to the owner of such animal or holder of such license or permit a penalty which shall be stated on the notice, which may, at the discretion of the animal owner or holder of the permit or license, be paid to the agency designated by the Animal Services Division within the time specified on the notice in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a complaint will be filed in a court of law and upon conviction of a violation of this rule, the owner shall be punished as provided in this rule.

### Section 26. Liability

Any suit brought against any officer or employee of the District because of some act performed by the officer or employee in the enforcement of any provision of this rule shall be defended by legal counsel of the County of Galveston until the final termination of the proceedings.

### Section 27. Invalidity

In the event any section, clause, sentence or paragraph or any part of this rule shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this rule.

### Section 28. Rules in Conflict Repealed

All ordinances, rules or parts of ordinances or rules in conflict herewith are, to the extent of such conflict, hereby repealed.

### Section 29. Effective Date

This rule shall be in full force and effect from and after its passage and its publication as provided by law. Publication shall be by caption only in a newspaper of general circulation within the County of Galveston. Passed and approved on second reading the 21<sup>st</sup> day of October, 1981, and amended on second reading on this 23<sup>rd</sup> day of February, 1983, and amended on second reading on this 27<sup>th</sup> day of July, 1988 and amended on second reading on the 13<sup>th</sup> day of December, 1995, and amended on second reading this 26<sup>th</sup> day of June, 2002, and amended on second reading this 30<sup>th</sup> day of July, 2003. Passed and approved on second reading on this 26<sup>th</sup> day of September 2007. Passed and approved on second reading on this 25<sup>th</sup> day of March 2009.