

**CHAPTER 52. REGULATIONS OF LLANO COUNTY, TEXAS**  
**GOVERNING ANIMAL CONTROL**

**52.001 AUTHORITY.**

These regulations of Llano County, Texas, Governing Animal Control ("rules") are adopted by the Commissioners Court of Llano County, Texas. Authority of Llano County to adopt and enforce these rules is pursuant to Texas Health and Safety Code, Chapter 822, "Regulation of Animals," and Texas Health and Safety Code, Chapter 826, "Rabies", and other applicable statutes as hereafter designated more specifically below.

**52.002 GENERAL PROVISIONS.**

A. Animal Control Authority and Rabies Control Authority

1. Animal Control Authority. Llano County Commissioners Court hereby designates the Llano County Sheriff or his/her designee(s), as the Animal Control Authority. The Commissioners Court may from time to time designate others to serve as Animal Control Authority representatives. The Commissioners Court hereby designates those members of the above departments/offices called upon by authorized personnel to enforce these Rules as designated representatives of the Animal Control Authority. The Animal Control Authority shall be represented by the Llano County Attorney's Office in any court proceedings necessary to enforce these Rules.
2. Rabies Control Authority. The Animal Control Authority shall serve as the Llano County rabies control officer. The Llano County Attorney's Office shall represent the rabies control officer in any court proceedings necessary to enforce rabies control laws, ordinances and public health decrees.

B. Area of Jurisdiction. These Rules shall govern the unincorporated areas of Llano County except for Section 52.010 which shall govern unincorporated areas of Llano County and further govern incorporated areas pursuant to Texas Health and Safety Code Ann. Ch. 826 et seq.

C. Enforcement.

1. The Animal Control Authority representative may enter property and seize animals as authorized under these Rules pursuant to applicable law.
2. Complaints
  - a. Dangerous Dogs. All complaints, applications or other statements filed with the Animal Control Authority of any violation of these Rules related to Dangerous Dogs shall be in the form of a sworn affidavit which carries with it penalties associated with filing a false sworn complaint or report.
  - b. In cases of violations of other sections of these Rules, the Animal Control Authority, or Animal Control Authority representative, must either witness the violation or receive the complaint supported by a sworn statement before a citation will be issued or an animal seized. The Animal Control Authority may, however, consult with the owner or take other reasonable action concerning other complaints without having a sworn statement or having witnessed the violation.

- D. State Law. State requirements set forth in Texas Health and Safety Code, Chapter 822 and Chapter 826 and any amendments thereto shall apply unless specifically addressed or modified by these Rules.

### **52.003 DEFINITIONS**

- A. "Animal Control Authority is the Llano County Sheriff and his/her designee(s), or others as approved by the Commissioners Court.
- B. "Animal Control Laws" means Texas Health and Safety Code, Chapter 822, "Regulation of Animals," and Texas Health and Safety Code, Chapter 826, "Rabies," and other applicable federal, state and local statutes, laws rules and/or ordinances .
- C. "Animal" is any warm-blooded animal.
- D. "Chapter 822" means Texas Health and Safety Code, Chapter 822.
- E. "Chapter 826" means Texas Health and Safety Code, Chapter 826.
- F. "Commissioners Court" means Llano County Commissioners Court.
- G. "Dangerous Dog" means a dog that makes an attack or commits an act or acts:
1. On a person without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes bodily injury to a person or causes a person to reasonably believe that the dog will attack and cause bodily injury to that person;  
OR
  2. On livestock, a domestic animal or fowl without provocation in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own that either causes injury to that livestock, domestic animal or fowl, or causes a person to reasonably believe that the dog will attack and cause injury to that livestock, domestic animal or fowl.

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

- H. "Dog" means a domesticated animal that is a member of the canine family.
- I. "Dangerous Wild Animal" means an animal of a species defined as a "dangerous wild animal" in Texas Health and Safety Code, Section 822. Those animals are, at the time of approval of these Rules: lion, tiger, ocelot cougar, leopard, cheetah, jaguar, gorilla, or any hybrid of an animal listed herein.
- J. "Livestock" includes exotic livestock as defined by Agriculture Code, Section 161.001.
- K. "Owner" means a person who owns or has custody or control of a dog and/or cat (or other animal referenced in these Rules). And includes, as indicated by the context of these Rules, the person in control or having custody of, or feeding or harboring such animal.
- L. "Public Nuisance" means any animal that runs-at-large and unreasonably annoys, or endangers the life of other animals or persons, or interferes with the rights of the public, and other than their owners, to the enjoyment of life and property.
- M. "Rabies Control Authority" means the Animal Control Authority as defined by Sections 52.002(A)(2) and 52.003(A).

- N. "Restraint" has the meaning assigned by Sections 52.005(B)(1) and 52.005(B)(7).
- O. "Rules" means the Regulations of Llano County, Texas, Governing Animal Control.
- P. "Running At Large" means any animal not under the restraint of a person capable of controlling the animal off the premises of the owner.
- Q. "Secure Enclosure" means a fenced area or structure that is:
  - 1. Locked;
  - 2. Capable of preventing the entry of the general public, including children;
  - 3. Capable of preventing the escape or release of the dog;
  - 4. Clearly marked as containing a dangerous dog, only when that designation has been made pursuant to these Rules; and
  - 5. Constructed in conformance with other requirements for enclosure as may be established by the Animal Control Authority pursuant to these Rules.
  - 6. Enclosure to be at minimum of 1 sq. ft./lb. with a minimum of 50 sq. ft.
- R. "Serious Bodily Injury" means an injury characterized by severe bite wound(s), scratch(s) or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.
- S. "Sheriff" means the Sheriff of Llano County, and his/her designee(s).
- T. "Control" means the ability of a person in charge of a dog to exercise immediate authority over the dog at any given time.

**52.004 REGISTRATION**

Llano County does not require dogs and cats to be registered, except as required in 52.006(B). It is strongly recommended that all dog and cat owners place an animal identification tag on their pet which includes pertinent identification information (such as the address and phone number of the owner; either on a separate tag or imprinted on the back of the rabies tag (if possible) or a micro chip. This will allow quicker return of strays to their owners and may avoid unnecessary impounding and housing fees for stray pets.

**52.005 CONTROL**

- A. Public Nuisance. An animal is deemed to be a public nuisance that commits any of the following acts either singularly or in the company with other animals.
  - a. Repeatedly running-at-large.
  - b. Damages the property of anyone other than its owner.
  - c. Molests or intimidates pedestrians.
  - d. Chases vehicles or bicycles.
  - e. Attacks other domestic animals.
  - f. Excessively and repeatedly makes disturbing noises including, but not limited to; continuous and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or housed.
- B. Restraint of Dogs. Pursuant to Texas Health and Safety Code, §826.014, Llano County hereby requires that:
  - 1. It is the responsibility of each Owner to effectively restrain his/her dog, which means the dog must either be kept securely on the Owner's property so that the dog remains on the

Owner's property or, if not on the Owner's property, the person in charge of the dog will maintain reasonable control over the dog at all times. The Animal Control Authority may require an owner to increase the effectiveness of the control if the type of control used by the owner is shown not to be effective, as determined by the Animal Control Authority.

2. Any dog will be under control on a leash except:
  - a. When on the property or premises of the owner or the property or premises of an adult specifically designated by the owner;
  - b. When swimming in waters adjacent to the above said properties;
  - c. When assisting law enforcement in the performance of police work;
  - d. When assisting a duly authorized person in an official search and rescue operation, and;
  - e. When assisting as a guide dog in service to a legally blind person or other physically disabled person.
3. Each stray or unrestrained dog may be declared a public nuisance.
4. Each stray or unrestrained dog, at the time the dog is stray or unrestrained, may be seized and impounded by the local Animal Control Authority or that officer's designee for the time period as follows;
  - a. Where a dog is seized only because it was uncontrolled, it may be impounded 5 (five) days or until the owner retrieves the dog after paying all required fees and/or fines. Any dog not retrieved within 5 (five) days will be subject to approved Llano County facility policies regarding placement of animals. A reasonable effort (such as phone call to owner or veterinarian) will be made to notify the owner of the seizure when information is available regarding the dog's owner.
  - b. Where a dog is seized and determined, pursuant to these Rules by the Animal Control Authority, to be a Dangerous Dog, it may be impounded up to 30 days, or until all requirements of Section 52.006 are met or the Animal Control Authority determines that the dog can be released to the owner.
  - c. No dog seized and impounded under any section of these Rules will be released to the owner until the owner:
    - (i) Presents proof of registration pursuant to these Rules per Section 52.006 (B)(1)(a) if applicable.
    - (ii) Presents proof of current rabies vaccination;
    - (iii) Pays all applicable fees and/or fines; and
    - (iv) Meets any other applicable requirements of these rules or Animal Control laws.
5. If, by the time the Animal Control Authority arrives, the dog has returned to the owner's property, the Animal Control Authority may issue a citation to the owner under Section 52.005 (C) if the complaint is supported by a sworn statement. Upon issuance of a citation (any citation issued but not filed under Section 52.002(C)(2) counts toward this total number) for failure to control under this Section 52.005 where such citations are upheld, the Animal Control Authority may seize and impound the dog.
6. Upon expiration of the time period set forth in Section 52.005(A)(4), if the dog remains unclaimed, and cannot be placed in a suitable home pursuant to approved Llano County facility procedures for placement of dogs, a humane disposition may be made of the dog pursuant to these Rules and AC laws.

7. Restraint of a dog must be accomplished by a humane method that is not a danger to the dog, that does not allow the dog to move off the property, and that allows the dog necessary access to food, water, and shelter. The owner may not restrain a dog with a chain or tether attached to a tree, stake, or other stationary object for eight or more hours in a 24 hour period, unless the chain or tether is at least 10 feet in length, with swivels at both ends, attached to a pulley or trolley-mounted cable no more than 7 feet above ground level, and trolley-mounted cable is at least 25 feet in length.
8. Any person may report an unrestrained dog to the Llano County Sheriff's office.

C. FEES.

1. Rate. The Owner shall pay a fee per day in the amount as set forth in Attachment A to these Rules for the impounding and boarding of a dog impounded under ANY provision of these Rules. Boarding costs shall include the reasonable cost of any necessary medical care (as determined by a licensed veterinarian) provided to the dog while the dog is in the possession of the Animal Control Authority. Impound under these Rules will be at the Hill Country Humane Society animal shelter facility or any other auxiliary facility designated by the Animal Control Authority.
2. Payment. Such fee must be paid to the Hill Country Humane Society or auxiliary facility before the dog is released to the Owner.
3. Use. All such fees collected on Appendix A under this Section 52.005 shall be paid to the Hill Country Humane Society or auxiliary facility, and shall be used to defray the cost of administering the portions of these Rules related to authority under Chapter 826, including those costs related to enforcement.

D. CRIMINAL PENALTY.

*(a) A person commits an offense if the person fails to restrain a dog that is required to be restrained under this subtitle.*

*(b) Except as otherwise provided, an offense under this subtitle is a Class C misdemeanor.*

**52.006 DANGEROUS DOG.** Llano County hereby adopts the following rules regarding Dangerous Dogs:

- A. Determination That a Dog is a Dangerous Dog. A dog may be determined to be a Dangerous Dog under the following procedures:
1. Incident Report. Any person may report by sworn statement an incident described in Section 52.003 (G) to the Animal Control Authority. Such statement shall include a description of all elements of the act required under Section 52.003 (G), including whether the incident related to actions against a person or actions against livestock, a domestic animal or fowl. Reports of such incident(s) received by Sheriff's officers or other law enforcement officials or county representatives shall be forwarded to the Animal Control Authority.
  2. Investigation. The Animal Control Authority, through field officer representative(s) designated by Llano County Sheriff will investigate any Incident Report by taking any additional, necessary sworn statements concerning the Incident from witnesses and gathering any other pertinent information related to the Incident. Animal Control Authority has the authority to declare the dog as dangerous. The owner has 15 calendar days to contest Animal Control Authority decision and appeal to the Llano County Justice

of the Peace Court in which the Animal Control Authority has filed the Incident Report declaring the dog as dangerous.

3. Notice. Written notice of the hearing date and time will be given to the person filing the Incident Report (when that person provides sufficient contact information), the owner of the dog (when the owner is known and sufficient contact information is available), and other interested parties known to the Animal Control Authority. The Animal Control Authority shall file with the court clerk the owner signed original of the notice or should the owner not be located or refuse to receive notice, Animal Control Authority shall file the original notice with that notated and signed by the Animal Control Authority officer.
4. Hearing. A hearing will be held before any Llano County Justice of the Peace to hear testimony from witnesses and review all information gathered related to the incident.
5. Findings. Upon completion of the hearing, the Llano County Justice of the Peace shall make a determination based upon a preponderance of the evidence as to whether or not the dog meets the requirements to be determined a "Dangerous Dog" and shall issue such determination either at the end of the hearing or within a reasonable time after the hearing. The determination shall be made in writing and shall include the finding that the dog is a Dangerous Dog (with a description of the action which was the basis of the complaint specifying whether the action was against a person or another animal), shall order compliance with the requirements of these Rules regarding Dangerous Dogs (including a copy of those requirements), and shall advise the owner of the possible consequences of failure to comply with those requirements. The owner shall be provided with a copy of the findings and court's order of compliance and requirements. If the owner is not present during the hearing the Animal Control Authority or, if necessary, any Llano County peace officer, shall deliver the copy of the findings and court's order of compliance and requirements to the owner's residence and either personally serve the copy of the findings and court's order of compliance and requirements, or leave affixed to the front door of the owner's residence. The Animal Control Authority officer or the Llano County peace officer shall file a sworn statement with the issuing court that the copy was personally served on the owner or a copy was affixed to the owner's front door.
6. Notification of Findings. Should the court take the case under advisement and issue findings at a later date the Justice of the Peace Court will notify the Animal Control Authority of the judge's findings and the Animal Control Authority representative shall promptly notify the Owner of the findings and those requesting such notification at the hearing. The Animal Control Authority shall provide necessary contact information of the finding by telephone or email, with written notification to follow (as allowed by available contact information). Written notification will include the elements of the determination described in Subsection 5 above and will also be provided as follow-up to any determination made at the hearing. The owner shall be provided with a copy of the findings and court's order of compliance and requirements in the same manner as in paragraph 5
7. If the dog is determined to be a Dangerous Dog by the decision of a Llano County Justice of the Peace, the owner
  - a. Has 15 days in which to appeal the decision to the Llano County Court of Law, or;
  - b. Has 7 calendar days (measured from the date the owner received notice under 52.006 (A)(5) or(6), or the date a final decision is reached under an appeal, whichever applies) to comply with the requirements of Section 52.006 (B) and to provide proof of such compliance to the Animal Control Authority or immediately deliver the dog to the Animal Control Authority for disposition; or

- c. If an appeal is filed, during that appeal, the Owner must either comply with the requirements of this section 52.006 for a Dangerous Dog or post sufficient bond, as determined by the justice of the peace, or allow the Animal Control Authority to continue to impound the dog and pay all fees and cost related to such impoundment on a weekly basis, or;
- d. If no appeal is filed, the owner shall comply within 7 calendar days with the requirements of Section 52.006 (B) and to provide proof of such compliance to the Animal Control Authority or immediately deliver the dog to the Animal Control Authority for humane destruction.

B. Requirements for Dangerous Dog Owners Retaining the Dog.

1. Requirements. The owner of a Dangerous Dog must either immediately deliver the dog to the Animal Control Authority for disposition or, no later than the 7<sup>th</sup> day after learning that the person is the owner of a Dangerous Dog (and on an annual basis for as long as the owner retains possession of the Dangerous Dog) comply with the following and submit to the Animal Control Authority proof of such compliance where required:
  - a. Register the dog (and continue registration with current proof of the following on an annual basis) with the Animal Control Authority as follows:
    - (i) Provide proof of compliance with the insurance requirements in Section 52.006 B(1)(c);
    - (ii) Provide proof of current rabies vaccination;
    - (iii) Provide proof satisfactory to the Animal Control Authority of a Secure Enclosure in which the dog is and will be kept when not on a leash under the Owner's direct control (or direct control of a person designated or allowed by the Owner). Such proof may include pictures, statements, or other evidence, including an on-site visit by the Animal Control Authority, as determined by the Animal Control Authority. The Secure Enclosure shall be clearly marked as containing a Dangerous Dog;
    - (iv) Pay an annual fee in the amount as set forth in Appendix A to these Rules.
    - (v) Attach the registration tag provided by the Animal Control Authority to the dog's collar;
    - (vi) Within 14 days of moving the dog, provide the Animal Control Authority notice of the new address with the prior registration tag, pay a fee in the amount as set forth in Appendix A to these Rules.
  - b. Immediately ensure that the dog is restrained at all times on a leash in the immediate control of an able person with knowledge that the dog is a Dangerous Dog or in a Secure Enclosure. Failure to restrain the dog as required will subject the dog to immediate seizure and impound by the Animal Control Authority.
  - c. Obtain liability insurance coverage and show proof to Animal Control Authority or show financial responsibility in the following amounts to cover damages resulting from an attack by the dog on any person, livestock, domestic animal or fowl, and provide proof of such to the Animal Control Authority on an annual basis:

(i)	For acts against a person [52.003(G)(1)]	\$100,000.00
(ii)	For acts against livestock, a domestic animal or fowl [52.003(G)(2)]	\$ 10,000.00

- d. Comply with all other requirements of the Animal Control Authority contained in the Notification of Findings in which a Dangerous Dog determination has been made or imposed by the Animal Control Authority pursuant to these Rules. Any additional requirements will be reasonably related to the proper enforcement of the applicable provisions of these Rules and provided to the owner in writing by the Animal Control Authority.
  - e. Notify the Animal Control Authority in writing within 7 days if the dog dies or if the ownership of the dog is transferred to another person of such death or transfer of ownership. If ownership is transferred, the written notice shall contain the new owner's name, address and telephone number. The original owner must notify the new owner of the Dangerous Dog status of the dog prior to transferring ownership. The new owner then becomes responsible for meeting all applicable requirements of these rules.
  - f. Require the dog to be implanted with an AVID microchip by a veterinarian with the cost for such identification being born by the owner.
2. The status of "Dangerous Dog" remains with the dog regardless of ownership, and the requirements of these Rules apply equally to the owner in possession of the dog when the determination was made and any future owner.

**C. Failure to Comply.**

- 1. Application.
  - a. Act Against a Person. Any person may make application by sworn statement to the appropriate court to determine that an owner knowingly possesses a Dangerous Dog under Section 52.003 (G) and has failed to comply with Section 52.006 (B). A person "knowingly possess a Dangerous Dog" if that person has been notified by the Animal Control Authority of the findings described under 52.006(A)(5) or (6).
  - b. Act Against An Animal. Any person may make application by sworn statement to the Animal Control Authority to determine that an owner knowingly possesses a Dangerous Dog under Section 52.003(G) and has failed to comply with Section 52.006 (B). A person "knowingly have possession of a Dangerous Dog" if that person has been notified by the Animal Control Authority of the findings described under 52.006(A)(5) or (6).
- 2. Hearing
  - a. Act Against a Person. On receipt of such application under 52.006 (C)(1)(a), the court shall set a hearing date within 10 days of receiving the application, and give written notice of such hearing date to the owner, the applicant and any other known interested parties.
  - b. Act Against an Animal. On receipt of such application under 52.006 (C)(1)(b), the court shall set a hearing date within 10 days of receiving the application, and give written

notice of such hearing date to the owner, the applicant and any other known interested parties.

3. Decision

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

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

5. Compliance.

- a. Appeal. No further action shall be taken regarding the dog (other than the Animal Control Authority continuing to impound the dog) if the owner files an appeal under 52.006(A)(7) until a final decision is issued under such appeal. If the decision of the county court is that the owner has not failed to comply, the dog shall be immediately released to the owner. If the appeals court affirms the decision of the trial court that the owner has failed to comply with applicable requirements of these Rules, (or if no appeal is filed) subsections "b" and "c" below will apply, with the time periods being measured from the date of such decision of the appeals court rather than the date the dog is seized.
- b. Release. The court shall order the dog released to the owner if the owner
  - (i) Before the 11<sup>th</sup> day after the dog was surrendered or seized, shows proof of compliance with the applicable requirements; and
  - (ii) Pays any cost (including necessary medical cost, as determined by a licensed veterinarian), fee or fines assessed by Llano County related to the seizure, acceptance, and impoundment.
- c. Destruction
  - (i) If the owner does not fulfill the requirements of Section 52.006 (C)(5)(c)(i) and (ii) within the 11 day time period, in the event the attack or acts were directed toward a person, the court shall order the Animal Control Authority to humanely destroy the dog.
  - (ii) If the owner does not fulfill the requirements of Section 52.006 (C)(5)(b)(i) and (ii) within the 11 day time period, in the event the attack or acts were directed toward livestock, or domestic animal or fowl, the court may make its own

determination as to the action to be taken or submit the matter to the Animal Control Authority for consideration by hearing as set forth in subsection 52.006 (D)(2) below. The owner shall pay all costs related to the seizure, acceptance, impoundment and/or humane destruction by a licensed veterinarian.

- (iii) If the owner of the dog is not found before the 15<sup>th</sup> day after the dog was seized, and the dog is a Dangerous Dog, the court shall order the dog humanely destroyed.
- (iv) Destruction of a dog under this sub chapter must be in accordance of section Texas Health and Safety Code, Section 822.041.

D. Attack by a Dangerous Dog. Subject to the following, Texas Health and Safety Code, Section 822.044 shall apply to any attack by a Dangerous Dog after such determination has been made:

1. After a dog has been determined to be a Dangerous Dog, notification of an attack by a Dangerous Dog on any person, livestock, or domestic animal or fowl shall be given to the Llano County Sheriff's office immediately after the attack or as soon as such attack is known by any person to have occurred.
2. Attack on an Animal. An attack against livestock, domestic animals or fowl, the attack shall be registered with the Animal Control Authority. After one such registered attack (an attack made after the dog has been determined to be a Dangerous Dog), the dog shall be surrendered to the Animal Control Authority. The Animal Control Authority shall schedule a hearing to be held pursuant to 52.006.C with prior notice of such hearing to the Owner. Unless good cause shall be shown at the hearing as to why the dog should not be destroyed, the Animal Control Authority shall humanely destroy the dog. If the Animal Control Authority finds reason not to destroy the dog, and a second attack occurs, then the Animal Control Authority shall humanely destroy the dog.

E. Violation.

1. Attack by a Dangerous Dog Against a Person.
  - a. A person commits an offense if the person is the Owner of a Dangerous Dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. An offense under this section is a Class C misdemeanor.
  - b. A person commits an offense if the person is the Owner of a Dangerous Dog and with criminal negligence, the owner fails to secure the dog and it makes an unprovoked attack on another person, at a location other than the person's property, that causes serious bodily injury or death. An offense under this section is a third degree felony if the dog causes serious bodily injury and a second degree felony if the dog causes death.
  - c. A person commits an offense if the person knows the dog to be a Dangerous Dog, and the dog makes an unprovoked attack on another person, at a location other than a secure enclosure, and that causes serious bodily injury or death. An offense under this section is a third degree felony if the dog causes serious bodily injury and a second degree felony if the dog causes death.
  - d. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person authorized under the Animal Control Laws to perform such a procedure.

- e. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. An attorney having jurisdiction in the county where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. The county shall retain penalties collected under this subsection.
2. Any person who keeps a Dangerous Dog which was classified as such because of an attack or act upon a person and does not comply with all requirements of these Rules commits an offense which is a Class C misdemeanor, unless it is shown at trial that the defendant has previously been convicted of an offense under this Subsection 52.006, in which case the offense is a Class B misdemeanor. Defenses to prosecution under this Section 52.006 are as set forth in Section 822.046 of Chapter 822. This Section 52.006.E applies only to a dog determined to be a Dangerous Dog as a result of an attack or acts against a person, and does not apply where the attack or acts were against livestock, a domestic animal or fowl.

#### **52.007 DOGS CAUSING DEATH OR SERIOUS BODILY INJURY TO A PERSON**

- A. Llano County adopts the provisions of Texas Health and Safety Code, Sections 822.001 – 822.005 regarding dogs causing death of or serious bodily injury to a person.

#### **52.008 DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS**

- A. Llano County adopts the provisions of Texas Health and Safety Code, Sections 822.012 – 822.013 regarding dogs and coyotes that are a danger to animals.

#### **52.09 DANGEROUS WILD ANIMALS**

- A. **Authority.** Authority of Llano County to adopt this Section 52.009 include Texas Health and Safety Code, Section 822.101 et seq., and Texas Local Government Code, Section 240.002(a), under which the Llano County Commissioner's Court shall prohibit the ownership, possession, confinement, or care of certain animal(s) in the County.
- B. **Definitions.** As to this Section 52.009, there words have the following meaning.
  1. "Dangerous Wild Animal" means an animal of a species as a "dangerous wild animal" in Texas Health and Safety Code, Section 822.101. Those animals are, at the time of approval of these Rules: lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of an animal listed herein.
- C. **Offense.**
  1. **Misdemeanor.** A person commits an offense if the person fails to comply with any portion of this Order, such offense to be prosecuted under state law. An offense under this Order is a Class C Misdemeanor. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.
  2. **Penalties.** Any person keeping a Dangerous Wild Animal in violation of this Order or the provisions of Texas Health and Safety Code, Sections 822.101 through 822.116 is subject to the penalty provision provided in those applicable sections of the Health and Safety Code.

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

- A. Rabies Control Authority. Llano County hereby designated the Llano County Animal Control Officer as the Rabies Control Authority.
- B. Vaccination.
1. Regular Vaccination. Except as otherwise provided by state rule, the Owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age. Each dog or cat shall not be considered currently vaccinated until the 30<sup>th</sup> day after date of vaccination.
    - a. All dogs and cats must receive a second rabies vaccination within one year of receiving their first vaccination, regardless of:
      1. the type of vaccine used or
      2. the age at which the animal was initially vaccinated.
    - b. If the animal has received at least two vaccinations and the last vaccination consisted of:
      1. an annual vaccine, the animal must receive a vaccination within 12 months.
      2. a triennial vaccine, the animal must receive a vaccination within 36 months.
  2. Certification. A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's Owner a certificate in a form that meets minimum state standards. Proof of vaccination is required upon request of the Animal Control Authority of Llano County or any Law Enforcement Authority in Llano County.
  3. Penalty. A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated pursuant to these Rules. Such offense is a Class C Misdemeanor, or a Class B Misdemeanor if the person has previously been convicted of this offense.
- C. Reports of Rabies. A person who knows of a bite or scratch to a person that could reasonable be seen as capable of transmitting rabies or a person who suspects an animal is rabid shall report such to the Llano County Sheriff's Office. The report must include the name and address of any victim and of the animal's Owner, if any; and any other helpful information.
- D. Investigation. The Animal Control Authority shall investigate any report made under 52.010 (C).
- E. Quarantine and Release or Disposition of Quarantined Animals. Quarantine, release and/or disposition of animals held because of possible rabies will be conducted pursuant to Texas Health and Safety Code Ann. Sections 826.042 - 826.055.

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**REGULATIONS OF LLANO COUNTY, TEXAS GOVERNING ANIMAL CONTROL**

**ADOPTED, SIGNED, AND EFFECTIVE THIS DATE**

**52.11 EFFECTIVE DATE.** These Rules shall be effective \_\_\_\_\_, 20\_\_\_\_\_.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
**Ron Cunningham**  
**Llano County Judge**

\_\_\_\_\_  
**Peter Jones**  
**Llano County Commissioner Pct. #1**

\_\_\_\_\_  
**Linda Raschke**  
**Llano County Commissioner Pct. #2**

\_\_\_\_\_  
**Mike Sandoval**  
**Llano County Commissioner Pct. #3**

\_\_\_\_\_  
**Jerry Don Moss**  
**Llano County Commissioner Pct. #4**

\_\_\_\_\_  
**Marci Haderler**  
**Llano County Clerk**  
**Attest**

**APPENDIX A**

**Chapter 52**

**SCHEDULE OF FEES**

Registration of Dangerous Dog	\$50.00
Change of Address or Owner of Dangerous Dog	\$25.00
Dangerous Dog Euthanasia Fee	\$50.00
Replacement Tag	\$25.00
Impound Fee	\$50.00

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Ron Cunningham**  
**Llano County Judge**

\_\_\_\_\_  
**Peter Jones**  
**Llano County Commissioner Pct. #1**

\_\_\_\_\_  
**Linda Raschke**  
**Llano County Commissioner Pct. #2**

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**Mike Sandoval**  
**Llano County Commissioner Pct. #3**

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**Jerry Don Moss**  
**Llano County Commissioner Pct. #4**

\_\_\_\_\_  
**Marci Hadel**  
**Llano County Clerk**  
**Attest**