

**AN ORDER OF THE BELL COUNTY COMMISSIONERS COURT
REGULATING THE KEEPING OF DANGEROUS WILD ANIMALS**

WHEREAS, Subchapter E, Chapter 822, Texas Health and Safety Code, which provides for the regulation of possession of dangerous wild animals, was enacted by the Texas Legislature and requires the County to enact an order implementing its provisions not later than December 1, 2001; and

WHEREAS, Subchapter A, Chapter 240, Local Government Code, provides authority for the Commissioners Court of this County to prohibit or regulate the keeping of a wild animal in this County; and

WHEREAS, the health, safety, and welfare of the citizens of Bell County necessitates that regulations be in place for control and enforcement of the keeping of wild animals; and

WHEREAS, an order prohibiting the ownership, possession, confinement, or care of a dangerous wild animal enacted by the Bell County Commissioners Court on November 19, 2001, is in need of amendment;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BELL COUNTY, TEXAS:

Section 1. Rescission of Prior Orders

The orders of the Commissioners Court regulating the keeping of wild animals, approved on September 2, 1997, and November 19, 2001, are hereby rescinded.

Section 2. Purpose and Intent

The purpose and intent of this order is to establish those regulations and prohibitions, in conformance with Subchapter E, Chapter 822, Texas Health and Safety Code, and Subchapter A, Chapter 240, Texas Local Government Code, that will allow Bell County to exercise the authority to regulate the keeping of dangerous wild animals in unincorporated areas of Bell County in a manner that best protects the health, safety, and welfare of affected citizens.

Section 3. Definitions

3.01 "Animal Control Office" means that section of the Bell County Sheriff's Department designated to enforce this order.

3.02 "Commercial activity" means:

A. An activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature;

B. An activity for which a fee is charged and that is entertainment using or an exhibition of the animal; or

C. The selling, trading, bartering, or auctioning of a dangerous wild animal or a dangerous wild animal's body parts.

3.03 "County" means the Bell County, Texas, government and any one or all of its duly organized departments.

3.04 "Dangerous wild animal" means:

A. a lion;

B. a tiger;

C. an ocelot;

D. a cougar;

E. a leopard;

F. a cheetah;

G. a jaguar;

H. a bobcat;

I. a lynx;

J. a serval;

K. a caracal;

L. a hyena;

M. a bear;

N. a coyote;

O. a jackal;

P. a baboon;

Q. a chimpanzee;

R. an orangutan;

S. a gorilla;

T. any hybrid of an animal listed in this Order; or

U. any nondomestic animal that the Commissioners Court determines is dangerous and is in need of control in Bell County pursuant to the requirements of this Order.

3.05 "Owner" means any person who owns, harbors, or has custody or control of a dangerous wild animal.

3.06 "Person" means an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.

3.07 "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

Section 4. Prohibition Against Dangerous Wild Animals

4.01 It shall be unlawful for any person to own, possess, have custody or control of, or harbor a dangerous wild animal in the unincorporated portion of Bell County for any purpose unless the person holds a certificate of registration for that animal issued by the Animal Control Office.

4.02 This order shall not be applicable to the following:

A. A county, municipality, or agency of the State of Texas or an agency of the United States, or an agent or official of a county, municipality, or agency acting in an official capacity;

B. 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;

C. An organization that is an accredited member of the American Zoo and Aquarium Association;

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

E. 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, Texas Parks and Wildlife Code;

F. A dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in the State of Texas if:

1. the animal is used as an integral part of the circus performances; and
2. the animal is kept within Bell County only during the time the circus is performing in this state or for a period not to exceed thirty (30) days while the circus is performing outside the United States;

G. 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 Bell County;

H. 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;

I. A dangerous wild animal while being transported in interstate commerce through

Bell County 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;

J. 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; and

K. 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.

Section 5. Certificate of Registration

5.01 Any person or organization authorized to have custody or control under this section shall be required to obtain a Dangerous Wild Animal Registration Certificate and shall apply for the certificate on an application form provided by the Animal Control Office. A certificate of registration issued under this Order shall be valid for one year after its date of issue or renewal, unless revoked, and shall not be transferrable.

5.02 The application for permit provided by the Animal Control Office shall require the following information before it will be considered by the County:

- A. Name, address, and telephone number(s) of the applicant;
- B. A complete identification of each animal, including species, sex, and age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;
- C. The exact location where each animal is to be kept;
- D. Such other information as the Animal Control Office may require; and
- E. A sworn statement that:
 1. All information in the application is complete and accurate; and
 2. The applicant has read Subchapter E, Chapter 822, Texas Health and Safety Code, and this Order, and that all facilities used by the applicant to confine or enclose or otherwise hold the animals in possession comply with the facilities standards required by the Texas Board of Health.;

F. Included with the application shall be the following:

1. A nonrefundable fee of fifty dollars (\$50.00) for each animal, not to exceed a maximum of five hundred dollars (\$500.00) regardless of the number of animals registered, which said fee shall be used only to administer and enforce this Order;
2. Appropriate proof that the applicant has in effect for a one-year term a valid liability insurance coverage for each dangerous wild animal as required by Section 6 of this Order;
3. A color photograph of each animal being registered, taken not earlier than thirty days before the date the application is filed;
4. A photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept, and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and
5. If the applicant holds a Class "A" or Class "B" dealer's license or Class "C" exhibitor'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, a clear and legible photocopy of the license.

5.03 The County may return any application that is found to be incomplete and require additional information, when necessary, to insure compliance with this order before an application may be reconsidered. If it is found that the application for either an original or renewal registration certificate or, upon inspection, that the applicant has not complied with nor meets the requirements of this order or of Subchapter E, Chapter 822, Texas Health and Safety Code, the County will deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons therefore.

5.04 A certificate of registration that has been issued shall be renewed annually, and an application for renewal shall meet the same requirements as those provided in Paragraph 5.2, including the stated fee and insurance requirements. In addition, a renewal application shall include attachment of a written statement signed by a veterinarian licensed to practice in the State of Texas stating that the veterinarian:

A. Inspected each animal being registered not earlier than thirty (30) days before the date of the filing of the renewal application; and

B. Finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this Order and Subchapter E, Chapter 822, Texas Health and Safety Code.

5.05 If it is determined by the County, after inspection, that a registered owner provided false information in or in connection with an application, or has not complied with this Order or with Subchapter E, Chapter 822, Texas Health and Safety Code, the County shall revoke the certificate of registration and

provide the owner with written notice of the revocation and the reasons therefore.

5.06 Any appeal of a denial of an original or renewal certificate of registration shall be to the justice court in the precinct in which the animal is located, and must be made no later than the fifteenth (15th) day after the date that the certificate is denied or revoked. The filing of an appeal shall stay the denial or revocation until the court rules on the appeal.

5.07 A certificate of registration shall be displayed prominently where each animal that is the subject of registration is kept.

5.08 Not later than the tenth (10th) day after the date a person receives an original or renewed certificate of registration, a clear and legible copy of that certificate shall be filed by the owner with the Texas Department of Health in accordance with the requirements of that agency.

5.09 If an owner acquires any additional animals during the term of a valid certificate of registration, information as to the additional acquisition shall be reported to the Animal Control Office within forty-eight (48) hours of such acquisition, in a format required by the Animal Control Office so that compliance with this Order can be determined and the existing certificate amended, if appropriate.

Section 6. Liability Insurance

An owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

Section 7. Inspection

An owner of a dangerous wild animal, at all reasonable times, shall allow the Animal Control Office, its staff, its agents, or a designated licensed veterinarian to enter the premises where any registered animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this Order and with Subchapter E, Chapter 822, Texas Health and Safety Code.

Section 8. Relocation or Disposition of Animal

8.01 An owner of a dangerous wild animal may not permanently relocate an animal unless the owner first notifies the Animal Control Officer in writing of the exact location to which the animal will be relocated, and provides the Animal Control Office, with respect to the new location, the information required in Paragraph 5.2 (C).

8.02 Within ten (10) days after the death, sale, or other disposition of an animal, the owner of the animal shall notify the Animal Control Office in writing of the death, sale, or other disposition.

Section 9. Attack by or Escape of Animal

9.01 The owner of a dangerous wild animal shall notify the Animal Control Office of any attack of a human by the animal within forty-eight (48) hours of the attack.

9.02 The owner of a dangerous wild animal shall immediately notify the Animal Control Office and the Bell County Sheriff's Department of any escape of the animal.

9.03 The owner of a dangerous wild animal that escapes shall be liable for all costs incurred in apprehending and confining the animal. Neither the Animal Control Office, the Bell County Sheriff's Department, the County, nor any employee of those entities shall be liable to the owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

Section 10. Care, Treatment, and Transportation of Animal

10.01 The owner of a dangerous wild animal shall keep and confine an animal in accordance with the caging requirements and standards established by the Texas Board of Health. There shall be no deviation from these requirements and standards unless there is established to the satisfaction of the Animal Control Office good cause for the deviation, and the deviation does not:

- A. compromise the public's health and safety;
- B. reduce the total area of the primary enclosure below that established by the Texas Board of Health; and
- C. otherwise adversely affect the overall welfare of the animal.

10.02 For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*) and its subsequent amendments and the regulations adopted under that act relating to facilities and operations, animal health and husbandry, and veterinary care. A violation of Section 42.11, Texas Penal Code (Cruelty to Animals) shall be *prima facie* evidence that the animals have not been maintained in a manner consistent with their health and safety.

10.03 The owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care, and shall make the log available to the Animal Control Office or its agent on request. The log shall identify the animal treated, the date of treatment, the type or nature of treatment, and the name of the attending veterinarian, if applicable.

10.04 When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*) and its subsequent amendments or the regulations

adopted under that Act.

10.05 This section is not applicable to a person caring for, treating, or transporting an animal for which the person holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor'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.

10.06 If requested by the Animal Control Office, the owner shall surrender possession of any dangerous wild animal to the appropriate authority as determined by the Animal Control Office pending the resolution of any alleged violation of this order by the owner, and the owner shall pay all costs of care and feeding such animal that are incurred by the County, or appropriate authority as designated by the County if the owner is found to have violated this Order with respect to such animal(s).

Section 11. Offense and Penalty

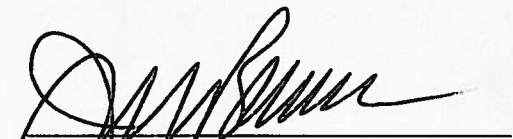
11.01 A person commits an offense if the person violates Paragraph 5.01, Paragraph 5.07, Paragraph 9.01, or Paragraph 9.02. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

11.02 A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this Order.

11.03 An offense under this section is a Class C misdemeanor.

11.04 A person who violates Paragraph 5.01 shall also be liable to the County for a civil penalty of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00) for each animal with respect to which there is a violation and for each day the violation continues. The County shall also be entitled to the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the Animal Control Office in such civil action.

Effective Date: 6/18, 2002.



JON BURROWS
Bell County Judge

Attest:



VADA SUTTON
Bell County Clerk

**AN ORDER OF THE BELL COUNTY COMMISSIONERS COURT
PROHIBITING THE OWNERSHIP, POSSESSION, CONFINEMENT, OR CARE
OF A DANGEROUS WILD ANIMAL**

Whereas, the presence of certain non-domestic animals poses a potential threat or danger to the residents and/or to the domestic animals of Bell County; and

Whereas, Section 240.002, Local Government Code, and Section 822.116, Health and Safety Code, authorize the county to prohibit dangerous wild animals in Bell County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BELL COUNTY, TEXAS:

1. It shall be unlawful to own, possess, confine, keep, and/or care for any of the following wild animals in an unincorporated area of Bell County, Texas:


lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, bobcats, lynx, servals, caracals, hyenas, bears, coyotes, jackals, apes, baboons, chimpanzees, orangutans, gorillas, lesser pandas, binturongs, wolves, elephants, rhinoceri, or any hybrid of these animals.

2. This order shall not apply to an exhibitor licensed under the Animal Welfare Act as provided in Article 7, Section 2131 *et seq.*, United States Code.

3. An intentional and knowing violation of this Order is a Class C Misdemeanor.

4. The County Attorney or another attorney representing the County may file an action to enjoin a violation or threatened violation of this Order.

Effective Date: 11/19, 2001.



Jon H. Burrows
Bell County Judge

Attest:



Vada Sutton, Bell County Clerk

Date: Nov. 19, 2001.