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IN THE COMMISSIONERS COURT  
OF  
POTTER COUNTY, TEXAS

**AN ORDER**  
**REGULATING THE KEEPING OF DANGEROUS WILD ANIMALS, PURSUANT TO**  
**CHAPTER 822, HEALTH & SAFETY CODE AND CREATING A CRIMINAL PENALTY**

1. Authority and Purpose. The Potter County Commissioners Court ("Commissioners Court") adopts the following order, pursuant to Chapter 822, subchapter E, Texas Health & Safety Code. In adopting this order, the Commissioners Court determines that a prohibition of dangerous wild animals in the unincorporated areas of the county is not necessary, and that reasonable regulations will accomplish the purpose of protecting and enhancing the public's safety and providing a safe, health, and humane environment for the animal.
2. As of the effective date of this order, the Commissioners Court repeals that certain Order Prohibiting the Keeping of Dangerous Wild Animals adopted November 13, 2001 and amended January 26, 2004.
3. The Potter County Sheriff's Department ("Department") is authorized to enforce these regulations and is authorized to issue citations in the unincorporated area of Potter County, Texas to enforce these regulations pursuant to §121.003 (e) and Chapter 822 of the Texas Health & Safety Code.
4. Definitions
  - (a) "Animal Welfare Act" means the provision of 7 U.S.C. Section 2131 et seq.)
  - (b) "Dangerous wild animal" means a lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of one of these animals.
  - (c) "Owner" means any person who owns, harbors, or has custody or control of a dangerous wild animal.
  - (d) "Person" means an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.
5. Exemptions: These regulations do not apply to those entities exempt from the provisions of Chapter 822 of the Texas Health & Safety Code as specifically enumerated in §822.102.
6. Certificate of Registration; Application.
  - (a) A person may not own, harbor, or have custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by this County.
  - (b) A certificate of registration issued under these regulations is not transferable and is valid for one year after its date of issuance or renewal unless revoked.
  - (c) The fee for the issuance of a certificate of registration will be \$50 for each animal registered up to a maximum of \$500 for each person registering animals, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce these regulations.

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(d) An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with the Potter County Judge on a form provided.

(e) The applicant shall include with each application

- 1) the nonrefundable fee;
- 2) proof that the applicant has liability insurance, as required by Section 822.107, Texas Health & Safety Code;
- 3) a color photograph of each animal being registered taken not earlier than the 30th day 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 an 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.

(f) In addition to the items required under Subsection (e), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the veterinarian:

- 1) inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and
- 2) finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under these regulations.

(g) If the Department finds that an application for an original or renewal certificate of registration under these regulations does not meet the requirements of or, after inspection, that an applicant has not complied with these regulations, the Department shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.

(h) If the Department finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with these regulations, or with the provisions of Chapter 822, subchapter E, Texas Health & Safety Code, the Department shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.

(i) A person shall prominently display the certificate at the premises where each animal that is the subject of the certificate of registration is kept.

#### 7. Appeal of Denial or Revocation of Certificate of Registration

(a) A person may appeal the denial of an original or renewal certificate of registration or the revocation of a certificate of registration to the justice court for the precinct in which the animal is located not later than the 15th day after the date the certificate of registration is denied or revoked. Either party may appeal the decision of the justice or municipal court to a county court or county court at law in the county in which the justice or municipal court is located. The decision of the county court or county court at law may not be appealed.

(b) The filing of an appeal of the denial or revocation of a certificate of registration stays the denial or revocation until the court rules on the appeal.

#### 8. Inspection

An owner of dangerous wild animal, at all reasonable times shall allow the Department or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the

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primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with these regulations.

9. Miscellaneous Regulations

(a) Within 10 days after the relocation, death, sale, or other disposition of the animal, the owner of the animal shall notify the Department in writing of the relocation, death, sale, or other disposition.

(b) An owner of a dangerous wild animal shall notify the Department of any attack of a human by the animal within 48 hours of the attack.

(c) An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal. An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal. An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an 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.

(d) An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the Texas Board of Health. Those requirements may be found in the Texas Administrative Code, at 29 TAC § 169.31.

(e) The Department may approve a deviation from the caging requirements and standards established by the Texas Board of Health, if:

1) the Department has good cause for the deviation; and

(2) the deviation:

(A) does not compromise the public's health and safety;

(B) does not reduce the total area of the primary enclosure below that established by the board; and

(C) does not otherwise adversely affect the overall welfare of the animal involved.

10. Criminal Penalty

(a) A person commits an offense if the person violates the provisions of Sections 6, 8, or 9 above. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

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

11. Civil Enforcement

(a) Potter County may recover from a person who violates 6 (a) a civil penalty of not less than \$200 and not more than \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.

(b) Potter County may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for the animal registration agency's expenditures was made.

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12. Severability


If any provision of these regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

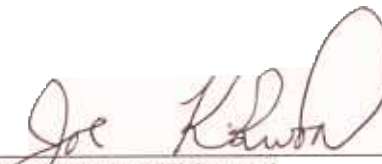
13. Effective Date.


These regulations shall be effective on June 1 2004.

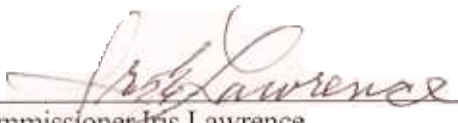
Adopted April 12, 2004

  
\_\_\_\_\_  
Arthur Ware  
County Judge

  
\_\_\_\_\_  
Commissioner Bill Thomas  
Precinct 1

  
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Commissioner Joe Kirkwood  
Precinct 3

  
\_\_\_\_\_  
Commissioner Manny Perez  
Precinct 2

  
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Commissioner Iris Lawrence  
Precinct 4

ATTEST:



  
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MRS. SUE DANIEL  
POTTER COUNTY CLERK