

DEC 28 1998

POTTER COUNTY DOG RESTRAINT ORDINANCE

Pursuant to the authority of Chapter 826, Texas Health & Safety Code, the Potter County Commissioners Court adopts the following ordinance to protect the public health, safety, and welfare in the unincorporated areas of the County.

I. DEFINITIONS

- A. "Dog" means a member of the canine family.
- B. "Local Rabies Control Authority" ("LRCA") means the Potter County Sheriff, county health officer, animal control officer, peace officer, or other entity that the Potter County Commissioners considers appropriate. Among its other duties, the LRCA shall enforce the provisions of this ordinance by issuing citations.
- C. "Owner" means a person who harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog.
- D. "Dangerous dog" means a dog that
- (A) 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
 - (B) commits unprovoked acts 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 and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

II. RESTRAINT OF DOGS REQUIRED

- A. Each dog must be restrained by its owner. A dog shall be considered "restrained" if:
- 1. The dog remains on the premises of its owner;
 - 2. The dog is under the control of a person by means of a leash or verbal command;
 - 3. The dog is within its owner's vehicle

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B. Notwithstanding the above, a dangerous dog or a dog that is a danger to other animals must be restrained at all times by a leash or in a secure enclosure.

C. Each unrestrained dog may be detained or impounded by the LRCA. At its option, the LRCA may elect to issue a citation to a person who violates this Section II without detaining or impounding the dog.

D. A person commits an offense if the person fails or refuses to restrain a dog owned by the person. An offense under this section is a Class C misdemeanor. (Health & Safety Code 826.034).

III. VACCINATION OF DOGS REQUIRED

A. The owner of a dog shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as required by the Texas Board of Health. Every dog shall be required to have a tag which shall be displayed on the dog's collar as proof of compliance with the vaccination requirement.

B. A person commits an offense if the person fails or refuses to have each dog owned by the person vaccinated against rabies as provided by (a). A violation of this section is a Class C misdemeanor. (Health & Safety Code §826.022).

IV. DOGS THAT ARE A DANGER TO ANIMALS (Health & Safety Code §822.011)

(A) The owner, keeper, or person in control of a dog that the owner, keeper, or person knows is accustomed to run, worry, or kill goats, sheep, or poultry may not permit the dog to run at large.

(B) A person who violates this section commits an offense punishable by a fine of not more than \$100.

(C) Each time a dog runs at large in violation of this section constitutes a separate offense.

V. IMPOUNDMENT OF DOGS

A. The LRCA is authorized to detain or impound:

1. Any dog that is not restrained;
2. Any dog that has bitten or scratched a person, or is reasonably suspected to be rabid; or,
3. Any dog that is a danger to animals.

B. When a dog is impounded, the following fees shall be collected from the owner before the

dog may be released to the owner:

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\$ 10.00
\$ 4.00
\$ 10.00

Impoundment Fee
Board per day
License fee (for Dogs unvaccinated against Rabies)


C. All fees collected shall be deposited in the treasury of the County and may be used only to help defray the cost of administering these regulations.

VII. The Potter County Sheriff is designated as the Local Rabies Control Authority.

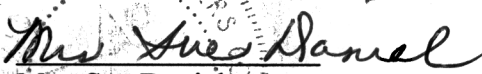
VIII. EFFECTIVE DATE

This ordinance shall be effective on December 28, 1998. ..

ADOPTED DECEMBER 28, 1998, BY THE POTTER COUNTY COMMISSIONERS COURT.


ARTHUR WARE
POTTER COUNTY JUDGE

Attest:


Mrs. Sue Daniel
Potter County Clerk
