

**MONTGOMERY COUNTY’S RULES AND REGULATIONS FOR THE KEEPING OF  
WILD ANIMALS IN THE UNINCORPORATED AREA  
OF MONTGOMERY COUNTY, TEXAS  
(Amended June 12, 2018)**

**SECTION ONE—AUTHORITY, PURPOSE AND CONSTRUCTION**

- A. These Rules and Regulations are promulgated pursuant to and in conformity with the following statutory authorities: Chapter 240 of the Texas Local Government Code and Chapter 822, Subchapter E of the Texas Health and Safety Code.
- B. It is the purpose of these Rules and Regulations to impose reasonable and uniform rules for the keeping of dangerous wild animals in Montgomery County, Texas. These Rules and Regulations are adopted to protect the health, safety and general welfare of the people in Montgomery County and also to protect the health, safety and general welfare of the dangerous wild animals kept in Montgomery County by preventing the spread of zoonotic diseases and by reducing the risk of injury to people from dangerous wild animals kept in Montgomery County, Texas.
- C. These Rules and Regulations do not limit nor expand any other legal remedy available to any person, or to the County, under the laws of Texas and the United States for any injury or claim related to keeping of an animal, nor do these rules serve to legalize any activity otherwise prohibited under the laws of Texas or the United States.
- D. The Code Construction Act of Texas applies for the purpose of construing these Rules and Regulations unless an alternative instruction, definition or application is contained in these Rules and Regulations. These Rules and Regulations shall be liberally construed to give effect to their purpose and intent.

**SECTION TWO—DEFINITIONS**

**Animal:** Non-human, warm-blooded and cold-blooded living creatures.

**Animal Control:** Montgomery County Animal Control, its employees and agents.

**Commissioners’ Court:** The Commissioners’ Court of Montgomery County, Texas.

**County:** Montgomery County, Texas.

**Dangerous Animals:** The species of animals that the Commissioners’ Court has determined to be dangerous and in need of control in Montgomery County, Texas, due to the animal’s size or nature, zoonotic health concerns or other characteristics, listed in the attached Appendix A, which may be amended from time to time as Commissioners’ Court finds necessary to protect human health and safety. In addition to those species of animals determined by the Commissioners Court to be dangerous and in need of control defined in the Rules and Regulations, including as may be amended in the future, alligators and crocodiles of all species, sizes and ages kept in or maintained by a Private Alligator Facility.

**Domestic:** As applied to a species of animal indicates an animal that has been domesticated by man so as to live and breed in a tame condition. Domestic animals have been adapted to live in intimate association with and to the advantage of humans by modifying growth and traits through provision of food, protection from enemies, and selective breeding during many generations,

often to the extent that the domesticated form loses the ability to survive in nature. This term does not include an animal which has merely been raised domestically. This term does not include any of the animals listed in the attached Appendix A.

**Enclosure:** Any structure used to restrict an animal to a limited amount of space. This term includes Primary Enclosure and Perimeter Fence, and any type of cage used primarily for transportation of an animal regulated under these regulations.

**Local Rabies Control Authority:** The person duly appointed by the Commissioners' Court to supervise the enforcement of these Rules and Regulations.

**Native Animal:** An animal that is indigenous to the United States in the wild.

**Not transferrable:** Cannot be transferred from one owner to another, from one animal to another, nor from one location to another.

**Owner:** Any person who owns, harbors, shelters, keeps, controls, manages, possesses, has custody of or has part interest in any animal. It is a rebuttable presumption that the occupant of any premises on which an animal remains for a period of seven (7) days is harboring, sheltering or keeping the animal within the meaning of this definition. If a minor owns an animal subject to these Rules and Regulations, his or her parent, or guardian is deemed the owner of such animal.

**Perimeter Fence:** A barrier surrounding the area containing the primary enclosure that restricts public access to the area. The perimeter fence must restrict the entrance of unauthorized persons or animal to the primary enclosure by being of sufficient strength and height and capable of being securely locked so as to prevent entry. A perimeter fence shall be placed with sufficient distance from the primary enclosure to prevent inadvertent contact with the animal inside the primary enclosure from outside the perimeter fence.

**Person:** Includes an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint stock company, foundation, association, and any other legal entity or association of individuals.

**Primary Enclosure:** Any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

**Private Alligator Facility** - a facility not owned, maintained or operated by the State of Texas or a political subdivision of the State of Texas or a municipality in the State of Texas that keeps alligators and/or crocodiles within the facility and of which all or part of the facility is open to the public.

**Registered Animal:** An animal registered with Animal Control pursuant to these Rules and Regulations, whose owners holds a certificate of registration.

**Residence:** A house, duplex, apartment, townhouse, condominium, mobile home, or any other structure used as a human residence.

**School:** Primary or secondary public school facilities, including all attached playgrounds, dormitories, stadiums and other appurtenances which are part of the facility.

**Secure Enclosure:** a fenced area or a structure that is locked; is capable of preventing the entry of the general public; is capable of preventing the escape or release of the animal confined therein; and is marked as containing a dangerous wild animal as required by these Rules and Regulations.

**State:** the State of Texas.

**Unincorporated Montgomery County:** That portion of Montgomery County that is not within the incorporated boundaries of a municipality, town or village.

### **SECTION THREE—APPLICABILITY OF THESE RULES AND REGULATIONS**

- A. These Rules and Regulations apply to all portions of unincorporated Montgomery County. These Rules and Regulations apply to incorporated cities or towns that adopt these Rules and Regulations and execute cooperative agreements with Montgomery County for their enforcement.
- B. These Rules and Regulations do not apply to:
  - 1. A 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;
  - 2. 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 the Act;
  - 3. An organization that is an accredited member of the American Zoo or Aquarium Association;
  - 4. An injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;
  - 5. 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;
  - 6. A dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:
    - i. The animal is used as an integral part of the circus performance; and
    - ii. 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;
  - 7. 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;
  - 8. 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;
  - 9. 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;
  - 10. A non-human 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;
  - 11. A dangerous wild animal that is:
    - i. 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
    - ii. An integral part of that species survival plan.

## SECTION FOUR—REGISTRATION OF DANGEROUS WILD ANIMALS

### A. Registration Required:

1. 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 Animal Control.
2. A certificate of registration issued under this subchapter is not transferrable and is valid for one year after its date of issuance or renewal unless revoked.
3. An animal may not be transported to a location where it is required to be registered until the certificate of registration, registration number and tag have been issued by Animal Control.
4. If an owner fails to register an animal within the time frames required under these Rules and Regulations, but is otherwise determined by Animal Control to be in compliance with these Rules and Regulations, upon application for registration, the owner may be issued a certificate of registration, registration number and tag.
5. Animal Control shall keep a record of all the applications and certificates of registration issued under the terms of these Rules and Regulations, which records shall show the name and address of all persons being issued, the date issued and the sex and description of the registered animal.

### B. Within 30 days of receipt of an application, Animal Control shall either:

1. Upon satisfaction of the requirements of these Rules and Regulations, issue a certificate of registration, registration number and tag;
2. Provide written notice of the denial; or
3. Upon written request by the owner, grant a ten day extension to accommodate an inspection or submission of other information requested by Animal Control.

### C. The owner of a dangerous wild animal shall submit an application for an original or renewal certificate of registration for a dangerous wild animal on a form provided by Animal Control. The application must include:

1. The full name, residential address and telephone numbers of the owner of the animal and the full name, residential address and telephone number of a person to be contacted in the event of an emergency if the owner is not available.
2. A complete identification of each animal, including species, sex, age, if known, size (by weight, height and length) and any distinguishing marks, coloration or any other distinguishing characteristics, including identifying tattoos or microchips, that would aid in the identification of the animal.
3. A color photograph of the animal, taken not earlier than the 30<sup>th</sup> day before the date the application is filed, clearly showing the animal's face, specifically both eyes, nose, ears, and neck.
4. A statement indicating from where and from whom the animal was obtained.
5. A statement indicating whether the owner intends to breed the animal or whether it has been neutered or spayed.
6. A color 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. The statement shall include the address and the exact location where the animal will be kept and a description of the material from which the enclosure is constructed. Animal Control may request additional information about the enclosure and may require access to the enclosure to inspect it to confirm that the enclosure complies with the description and the requirements set out in these Rules and Regulations. If Animal Control requests further information or an inspection, the certificate of registration and registration number will not be issued until this request is satisfied.

7. Proof that the owner of a dangerous wild animal maintains liability insurance coverage as required by Section 822.107 of the Texas Health and Safety Code and Section 5 of these Rules and Regulations.
8. Sworn statements that :
  - i. All information in the application is complete and accurate;
  - ii. The applicant has read Subchapter E of Chapter 822 of the Texas Health and Safety Code and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of that subchapter;
  - iii. The location at which the animal is to be kept is not within 1000 feet of a school or residence other than that of the owner or caregiver;
  - iv. The location is not subject to deed restrictions, alternatively, if the location is subject to deed restrictions, the owner shall attach a letter from the community association confirming that keeping the animal is not a violation of the deed restrictions or that the owner has obtained a variance from the deed restrictions in order to keep the animal at that location; and
  - v. The applicant owns the location at which the animal is to be kept or, if the applicant does not own the location, a letter from the owner of the property stating that the applicant is authorized to keep the animal at that location.
9. The nonrefundable fee as required by Section 6 of these Rules and Regulations.
10. 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.

D. Renewals: Prior to the expiration date of a certificate of registration, the owner of a registered animal shall file an application for renewal. Animal Control may conduct an inspection of the place at which the animal is kept to confirm any information submitted in the application for renewal. In addition to the items required above, an application for renewal must include a statement signed by a veterinarian licensed to practice in Texas stating that the veterinarian:

1. Inspected each animal being registered not earlier than the 30<sup>th</sup> 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 this subchapter.

E. Denial or Revocation of Certificate of Registration; Appeal:

1. If Animal Control finds that an application for an original or renewal certificate of registration under these Rules and Regulations does not meet the requirements of Sections 4.B. or C. above, after inspection, that an owner has not complied with Subchapter E of Chapter 822 of the Texas Health and Safety Code, or these Rules and Regulations, Animal Control shall deny the owner a certificate of registration and give the owner written notice of the denial and the reasons for the denial.
2. If Animal Control finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with this subchapter, Animal Control shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.
3. A person may appeal the denial of an original or renewal certificate or registration or the revocation of a certificate of registration to the justice court for the precinct in which the animal is located or the municipal court in the municipality in which the animal is located not later than the 15<sup>th</sup> 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.
4. The filing of an appeal of the denial or revocation of a certificate of registration under Subsection (3) above stays the denial or revocation until the court rules on the appeal.

F. Display of Certificate or Registration; Filing with Texas Department of Health:

1. A holder of a certificate of registration shall prominently display the certificate at the premises where each animal that is the subject of the certificate of registration is kept.
2. In the event that the registration tag is lost, a duplicate may be obtained from Animal Control.
3. Not later than the 10<sup>th</sup> day after the date a person receives a certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Texas Department of Health.

## **SECTION FIVE—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 SIX—FEES**

Each owner applying for a certificate of registration shall pay a non-refundable fee of \$50 for each animal registered, not to exceed \$500 for each person registering animals, regardless of the number of animals owned by the person.

## **SECTION SEVEN—RESTRICTIONS ON KEEPING DANGEROUS WILD ANIMALS**

- A. No dangerous wild animal shall be kept within 1000 feet of a school. For the purposes of this rule, the distance shall be measured in a straight line from the nearest property line of the school to the nearest portion of the building in which the animal is kept. If the dangerous wild animal is not kept within the building, measurement shall be made from the nearest portion of the enclosure in which the animal is kept to the nearest property line of the school. This distance restriction applies even if the school is not located in the unincorporated area of Montgomery County, Texas.
- B. No dangerous wild animal may be kept in the unincorporated area of Montgomery County at or within 1000 feet of any residence, excluding the residence of the owner of the animal. The distance shall be measured in a straight line from the nearest portion of the structure used as a residence to the nearest portion of the building in which the animal is kept. If the animal is not kept within a building, measurement shall be made from the nearest portion of the enclosure in which the dangerous wild animal is kept to the nearest portion of the residential structure. This distance applies even if the residence is not located in the unincorporated area of Montgomery County, Texas.
- C. The number of young born to a dangerous wild animal in unincorporated Montgomery County shall be reported, in writing, to Animal Control within 10 days of birth. Within 3 weeks after the birth of any young the owner of the animal shall report to Animal Control, in writing and under oath, the location and ownership of each of the surviving young. Each of the offspring remaining in the unincorporated area of Montgomery County past the age of 3 weeks must be registered.

## **SECTION EIGHT—ENCLOSURES**

- A. Dangerous wild animals, which are required to be registered under these Rules and Regulations, whether or not they are in fact registered, shall be kept in an enclosure, which meets or surpasses the standards for size and strength set out in these Rules and Regulations and Chapter 169 of the Texas Administrative Code. If an animal escapes an enclosure in which it is confined, it shall be presumed that the enclosure was not adequate to confine the animal.
- B. All entrances to a building in which a dangerous wild animal is kept shall be posted with a warning sign to notify emergency response personnel of the presence of the animal and shall include a diagram of the building showing the location of the enclosure in which the animal is kept.
- C. Enclosures for animals required to be registered under these Rules and Regulations, shall be designed and constructed so that they are structurally sound for the confinement of the species of animal to be housed. The enclosure must be kept in good repair and protect the animal from injury, contain the animal securely and be sufficiently strong to prevent escape.

- D. Enclosures must be heated and cooled if necessary to protect animals from temperature extremes and to provide for the health and well-being of the species housed in accordance with generally accepted husbandry practices. The enclosure must provide access to shelter from sun, rain, snow, wind and cold and other extreme weather conditions.
- E. The outdoor area of a place at which dangerous wild animals are kept must be enclosed by a perimeter fence that is at least 8 feet in height and at least 3 feet in distance from each primary enclosure that is sufficient to deter entry by the public. The perimeter fence shall be kept securely and be sufficient to deter entry by the public. The perimeter fence shall be a sufficient distance from the enclosure in which the animal is kept to prevent physical contact between a person and animals outside the perimeter fence and the animal inside the primary enclosure. If the primary enclosure is contained within a building the requirement of a perimeter fence may be waived upon a showing that the building is sufficiently secure to keep out unauthorized persons and animals.
- F. Enclosures must be lighted so as to permit routine inspection of the facility and observation of the animals.
- G. Reliable and adequate electrical power is required to comply with other provisions of this section, and adequate potable water shall be available on the premises at which the enclosure is located.
- H. Enclosures shall be equipped with locks and locking mechanisms to prevent opening by unauthorized persons or by the animal kept in the enclosure.
- I. Primary enclosures should provide each animal, at minimum, floor space of at least 6 times the area occupied by the animal when in a normal standing or reclining position.
- J. All primary enclosures containing non-human primates and all primary enclosures less than 1,000 square feet shall be covered at the top to prevent escape. All other primary enclosures must be covered at the top unless constructed at sufficient height and in such a manner so as to prevent the escape of the species of animal kept within the primary enclosure.
- K. Any condition which results in the escape of a dangerous wild animal from its enclosure or which results in injury to any person shall be considered keeping the dangerous wild animal in an unsafe manner and shall be a violation of these Rules and Regulations.
- L. Primary enclosure construction shall consist of not less than 9 gauge chain link or equivalent for the following: bears; canids, non-domestic, including hybrids; felids, non-domestic, including hybrids; all non-human primates other than chimpanzees, gorillas and orangutans; ungulates, non-domestic.
- M. Construction materials for primary enclosures for rhinoceros or elephants shall consist of steel bars, masonry block or the equivalent.



- N. All enclosures constructed of chain link shall be braced and securely anchored at ground level and shall utilize metal corners, clamps, ties, and braces of equivalent strength to the material prescribed for enclosure construction for that species.
- O. Frames for enclosures, including corners, braces, and top and bottom rails shall be securely bolted or welded to provide maximum strength.
- P. The enclosures in which dangerous wild animals are kept shall be kept clean and in a sanitary condition.
- Q. The enclosure shall be kept well drained to prevent unsanitary conditions likely to attract or harbor mosquitoes, rodents, vermin, or disease carrying pests or any other condition which would be a possible and probable medium of disease transmission to humans.
- R. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Provisions for disposal shall minimize risk of vermin infestation, odors and diseases hazards and shall comply with applicable Federal, State and County laws relating to pollution control, public health nuisances, and the protection of the environment.

#### **SECTION NINE—ANIMAL HEALTH AND HUSBANDRY STANDARDS**

- A. For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 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.
- B. An 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 Animal Control or its agent on request. The log must: identify the animal treated; provide the date of treatment; describe the type or nature of treatment; and provide the name of the attending veterinarian, if applicable.
- C. A dangerous wild animal shall be maintained in a manner consistent with general husbandry standards to maintain the health of the animal. A violation of the Penal Code, § 42.09 (cruelty to animals) shall be prima facie evidence that this section has been violated.
- D. The diet for a dangerous wild animal must be appropriate for the animal's size, age, and the condition of the animal, according to generally accepted professional and husbandry practices and nutritional standards. The food must be clean, wholesome and palatable to the animal and be of sufficient quantity and nutritive value to maintain a healthful condition and weight range of the animal and to meet its normal daily nutritional requirements.

- E. Food and food receptacles must be located so as to minimize the risk of contamination by excreta and pests. Food receptacles must be kept clean and be readily accessible.
- F. Excreta and food wastes must be removed from inside each enclosure as often as necessary to prevent accumulation of feces and food waste to reduce disease hazards, insects, pests and odors.
- G. Fresh potable water must be available at all times. All water receptacles shall be kept clean and sanitary.

## **SECTION TEN—PRIVATE ALLIGATOR FACILITY**

All enclosures and other facilities in which alligators and/or crocodiles are kept or maintained in a Private Alligator Facility shall comply with the following enclosure requirements and other regulations:

- A. All alligators and crocodiles shall be registered annually as Dangerous Wild Animals in accordance with these Rules and Regulations.
- B. Dangerous wild animals, which are required to be registered under these Rules and Regulations, whether or not they are in fact registered, shall be kept in an enclosure, which meets or surpasses the standards for size and strength set out in the Rules and Regulations and Chapter 169 of the Texas Administrative Code. If an animal escapes an enclosure in which it is confined, it shall be presumed that the enclosure was not adequate to confine the animal.
- C. All entrances to a part of a facility or building or park area in which an alligator or crocodile is kept shall be posted with a warning sign to notify emergency response personnel of the presence of the Dangerous Wild Animal and shall include a diagram of the building or park area showing the location of the enclosure in which the Dangerous Wild Animal is kept.
- D. Enclosures for Dangerous Wild Animals required to be registered under these Rules and Regulations, shall be designed and constructed so that they are structurally sound for the confinement of the species of animal to be housed. The enclosure must be kept in good repair and protect the animal from injury, contain the animal securely and be sufficiently strong to prevent escape.
- E. Enclosures must be heated and cooled if necessary to protect animals from temperature extremes and to provide for the health and well-being of the species housed in accordance with generally accepted husbandry practices. The enclosure must provide access to shelter from sun, rain, snow, wind and cold and other extreme weather conditions.

- F. Enclosures must be lighted so as to permit routine inspection of the facility and observation of the animals.
- G. Reliable and adequate electrical power is required to comply with other provisions of this section, and adequate potable water shall be available on the premises at which the enclosure is located.
- H. Enclosures shall be equipped with locks and locking mechanisms to prevent opening by unauthorized persons or by the animal kept in the enclosure.
- I. Any condition which results in the escape of a Dangerous Wild Animal (whether one or more) from its enclosure or which results in injury to any person shall be considered keeping the Dangerous Wild Animal in an unsafe manner and shall be a violation of these Rules and Regulations.
- J. The minimum area required to house a single crocodile or alligator is based on either the adult size of the intended species or the maximum size of the individual crocodile or alligator that will be housed in the enclosure. The minimum area required to house a single crocodile or alligator is twice the length in both width and depth. For example, an enclosure that will house an up to 4 foot crocodile or alligator would therefore require an 8 foot by 8 foot space for a total minimum area of 64 square feet.
- K. The enclosure size must increase for each additional animal that will be housed. The area should be increased by 30% (20% more water and 10% more land) per additional animal.
- L. Primary enclosure construction shall consist of not less than 10 gauge chain link or equivalent.
- M. All enclosures constructed of chain link shall be braced and securely anchored at ground level and shall utilize metal comers, clamps, ties, and braces of equivalent strength to the material prescribed for enclosure construction for that species.
- N. Frames for enclosures, including corners, braces, and top and bottom rails shall be securely bolted or welded to provide maximum strength.
- O. Fencing can be chain-link, cattle panel type fencing, solid metal, poured cement, cement blocks, or brick. The fence requires an extension below ground. The fence shall extend into the ground a minimum of 3 feet. 2 feet vertically and 1 foot extending horizontally in the ground. If the ground is concrete and the animals cannot dig, this will then not be necessary.
- P. The fence shall be a minimum of 4 feet tall with the bottom 3 feet being solid.
- Q. The top of the fence shall have an inward 45 to 90 degree turn-back to aid in preventing escape.
- R. The fence post/poles shall be sturdy enough to support the weight of a climbing animal.

- S. Post/pole spacing shall be no more than 10 feet apart. At least every other post/pole should be set in cement.
- T. Gates must open inward to prevent animals escaping by pushing out against the door.
- U. Gate locks need to be sturdy and accessible from the inside and outside of the enclosure. Gates need to be lockable, and be large enough to safely move animals, keepers, and equipment through them.
- V. Gates must also incorporate the same escape-proof features as the outer fence, with a turn-back at the top, and either cement or fence extending below ground.
- W. Gates accessible to the public shall be locked to prevent unauthorized access to the enclosure.
- X. The enclosure in which dangerous wild animals are kept shall be kept clean and in a sanitary condition.
- Y. This Agreement does not in any way exempt the Parties from the Enforcement and Penalty provisions of Montgomery County's Wild Animal Ordinance.

#### **SECTION ELEVEN—INSPECTIONS**

An owner of a dangerous wild animal, at all reasonable times, shall allow Animal Control, its staff, its agents, or a designated licensed veterinarian to enter the premises where the 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 these Rules and Regulations, Chapter 882, Subchapter E of the Texas Health and Safety Code and Chapter 169 of the Texas Administrative Code. Animal Control may request the assistance and advice of animal care experts to evaluate and determine the security and appropriateness of an enclosure for a specific animal.

#### **SECTION TWELVE—TRANSPORTATION OF ANIMAL**

- A. 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. Section 2131 et seq.) and its subsequent amendments or the regulations adopted under that Act.
- B. Any dangerous wild animal, whether or not it is registered under these Rules and Regulations, being transported to or from a location, shall be transported inside an escape-proof enclosure. It shall be presumed that the enclosure in which an animal was transferred did not comply with this provision if the animal escapes from the enclosure.
- C. An enclosure must be strong enough to contain the animal securely and comfortably and to withstand the normal rigors of travel. The interior of the enclosure may not have sharp points, edges, or protrusions that could injure the animal contained in it.

- D. The animal shall be at all times securely contained within the enclosure and shall not be able to put any part of its body outside the enclosure in any way that could result in injury to the animal or to persons or animals nearby.
- E. It shall be possible to quickly and easily remove the animal from the enclosure in an emergency.
- F. The doors or other openings that provide access to the enclosure are to be secured with mechanisms that prevent accidental opening of the enclosure, including opening by the animal contained within it.
- G. Adequate ventilation must be provided for the enclosure as well as appropriate temperature control for the species of animal being transported.
- H. The enclosure used to transport the animal must be large enough so that each animal contained in the enclosure has enough space to run around freely in a normal manner and to sit in an upright position without its head touching the top of the enclosure. Certain large species may be restricted in movement, in accordance with professionally accepted standards of care, when greater freedom of movement would be dangerous to the animal, its handler, or to other persons.
- I. A person is exempt from the requirements of this section if the person is caring for, treating, or transporting an animal for which the person who holds a Class “A” or Class “B” dealer’s license or a Class “C” exhibitor’s license issued by the secretary of agriculture for the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments.

### **SECTION THIRTEEN—RELOCATION OR DISPOSITION OF ANIMAL**

- A. An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies Animal Control in writing of the exact location to which the animal will be relocated and provides Animal Control, with respect to the new location, the information required by Section 4 of these Rules and Regulations.
- B. Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify Animal Control in writing of the death, sale, or other disposition. If the animal has died, the notice shall contain a statement indicating the cause of death, date of death and the disposition of the carcass. Upon Animal Control’s receipt of the notice of disposition, the certificate of registration will be canceled.

### **SECTION FOURTEEN—ATTACK BY ANIMAL; ESCAPE OF ANIMAL; LIABILITY**

- A. An owner of a dangerous wild animal shall notify Animal Control of any attack of a human by the animal within 48 hours of the attack.

- B. An owner of a dangerous wild animal shall immediately notify Animal Control and the local law enforcement agency of any escape of the animal.
- C. An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.
- D. Animal Control, a law enforcement agency, or an employee of Animal Control or a 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.

## **SECTION FIFTEEN—ENFORCEMENT**

- A. Animal Control is authorized to enforce these Rules and Regulations and is authorized to issue citations in the unincorporated area of Montgomery County, Texas to enforce these rules pursuant to § 121.003(c) of the Texas Health and Safety Code.
- B. Offense and Penalty: An offense under this section is a Class C misdemeanor as authorized pursuant to § 240.003 of the Local Government Code and § 822.113 of the Texas Health and Safety Code. A person who owns and/or keeps a dangerous wild animal in a location within the unincorporated area of Montgomery County subject to these Rules and Regulations, whether or not the animal is registered, is subject to enforcement under this section. Each of the following is a separate offense in violation of these Rules and Regulations, each day a violation continues is a separate offense, and each animal with respect to which there is a violation is a separate offense.
  1. Violation of Section 822.103(a) (failing to register dangerous wild animal), Section 822.106 (failing to display properly certificate of registration), or Section 822.110(a) or (b) (failing to notify proper authorities of an attack or escape by a dangerous wild animal) of the Texas Health and Safety Code.
  2. Knowingly selling or otherwise transferring ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by these Rules and Regulations and as required by Subchapter E, Chapter 822 of the Texas Health and Safety Code.
  3. Failing to register an animal as required under these Rules and Regulations.
  4. Failing to keep animal in an enclosure that complies with these Rules and Regulations. A violation under this section includes, but is not limited to, failure to comply with the minimum standards of construction for an enclosure and failure to prevent the animal from escaping an enclosure in which it is kept. It is not a defense to this offense that an unauthorized person released an animal from enclosure.
  5. Failing to allow inspections in accordance with these Rules and Regulations.
  6. Failing to maintain an enclosure in which an animal is kept clean and in a sanitary condition as required by section 8 of these Rules and Regulations.

7. Failing to maintain a dangerous wild animal in accordance with the animal health and husbandry standards as required by section 9 of these Rules and Regulations.
8. Failing to transport a dangerous wild animal in compliance with section 11 of these Rules and Regulations.
9. Failing to notify Animal Control of an attack or escape as required by section 13 of these Rules and Regulations.
10. Failing to report the birth of young, and the disposition of the young, as required by Section 7 of these Rules and Regulations.
11. Making a misrepresentation of any fact, including the intentional omission of information, required to be provided to Animal Control under these Rules and Regulations, which, because of the nature of the misrepresentation, could hinder the effectiveness of these Rules and Regulations to protect the health and safety of the residents of Montgomery County.
12. Failing to clearly post at a building or property at which a dangerous wild animal is kept, a sign to alert emergency personnel to the presence of the animal as required by these Rules and Regulations.

C. Civil Penalty.

1. In addition or in the alternative, a person who violates § 822.103(a) of the Texas Health and Safety Code (failing to register dangerous wild animal) is liable for 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.
2. Montgomery County may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county.
3. Montgomery County may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by Animal Control in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for Animal Control's expenditures was made.

D. Injunction by Montgomery County Attorney. In addition or in the alternative, upon receiving information from Animal Control that there is a threat of violation of these Rules and Regulations or that a violation is occurring, the Montgomery County Attorney may file an action in a District Court to enjoin a violation or threatened violation of these Rules and Regulations and to obtain injunctive relief as the facts may warrant. If an immediate threat of public health and safety exists because of the failure to comply with minimum caging or sanitation requirements, the County Attorney may request an injunction requiring that the animal be placed at a facility approved by Animal Control until such time as the owner of the animal is able to demonstrate that the return of the animal will not cause a threat to public health and safety.

E. Injunction by person harmed or threatened with harm. In addition or in the alternative, a person who is directly harmed or threatened with harm by a violation of or failure to enforce these Rules and Regulations or Chapter 822, Subchapter E of the Texas Health and Safety Code, may sue an owner of a dangerous wild animal to enjoin a violation of

these Rules and Regulations or Chapter 822, Subchapter E of the Texas Health and Safety Code or to enforce these Rules and Regulations or Chapter 822, Subchapter E of the Texas Health and Safety Code.

**SECTION SIXTEEN—SEVERABILITY**

If any provision of these Rules and 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 Rules and Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Rules and Regulations are declared to be severable.

**SECTION SEVENTEEN—EFFECTIVE DATE**

These Rules and Regulations become effective on the 12<sup>th</sup> day of March, 2012 and amended as of June 12, 2018.



APPENDIX A

ANIMALS THAT ARE DANGEROUS AND IN NEED OF CONTROL IN  
MONTGOMERY COUNTY, TEXAS

The following animals are found by the Commissioners' Court of Montgomery County to be dangerous wild animals and in need of control in the unincorporated area of Montgomery County, Texas due to the animal's size or nature, concerns of zoonotic disease transmission or other characteristics:

Lion  
Tiger  
Bear  
Ocelot  
Leopard  
Jaguar  
Lynx  
Caracal  
Jackal  
Gorilla  
Elephant  
Wolf  
Cougar  
Cheetah  
Bobcat  
Serval  
Hyena  
Coyote  
Baboon  
Orangutan  
Apes  
Rhinoceros

And the following categories of animals:

All first, second and third generation hybrids of any of the above animals  
Non-domestic canids, including hybrids  
All non-domestic felids, including the first, second and third generation hybrids (4<sup>th</sup> and 5<sup>th</sup> generation hybrids are not covered by these Rules and Regulations)  
Non-domestic ungulates (llamas and camels are domesticated ungulates)  
Non-human primates, excluding Ring-Tail Lemurs  
All venomous reptiles