



FIFTH AMENDED HAYS COUNTY ANIMAL CONTROL ORDINANCE

No. 279110

This Fifth Amended Hays County Animal Control Ordinance (“Amendment”) is made this 28th day of February, 2012, by the Hays County Commissioners Court, which, having duly considered the need for immediate modification of the existing Animal Control Ordinance, makes the following changes effective upon passage by a majority vote.

The provisions of the Fourth Amended Hays County Animal Control Ordinance, which were adopted on or about the 18th day of March, 2003 as Ordinance Number 20893, are modified as follows:

Section 10.1, entitled “Dogs That Attack Domestic Animals” is hereby repealed and replaced with the following:

Section 10.1 – Dogs that Attack Domestic Animals

- a) A dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals, or fowls may be killed by:
 - 1) any person witnessing the attack; or
 - 2) the attacked animal’s owner or a person acting on behalf of the owner, if the owner or person has knowledge of the attack.
- b) Subsection 10.1 (a), above, does not authorize a person to violate other local, state, or federal laws, including but not limited to Trespassing or Disorderly Conduct.
- c) A person who kills a dog or coyote as provided by this section is not liable for damages to the owner, keeper, or person in control of the dog or coyote.
- d) A person who discovers on the person’s property a dog or coyote known or suspected of having killed livestock, domestic animals, or fowls may detain or impound the dog or coyote and return it to its owner or deliver the dog or coyote to the Animal Control Office. The owner of the dog or coyote is liable for all costs incurred in the capture and care of the dog or coyote and all damage done by the dog or coyote.
- e) The owner, keeper, or person in control of a dog or coyote that is known to have attacked livestock, domestic animals, or fowls shall control the dog or coyote in a manner approved by the Animal Control Office and shall not permit the dog or coyote to run at large.

- f) A person is not required to acquire a hunting license under Section 42.002, Parks and Wildlife Code, to kill a dog or coyote under this section.
- g) A dog or coyote that attacks livestock, domestic animals, or fowls may be registered as a dangerous dog and treated in accordance with Section 10.4, below.

Section 10.3, entitled "Criminal Penalty" is hereby repealed and replaced with the following:

Section 10.3 – Penalty for Violation

- a) The owner of a dog or coyote who permits the animal to run at large in violation of Section 10.1(e) commits an offense punishable by a fine not to exceed one hundred dollars (\$100.00).
- b) Each time a dog or coyote runs at large in violation of this section constitutes a separate offense.

Section 10.4 shall be added and shall read as follows:

Section 10.4 – Dangerous Dog Related to Attacks on Animals

The penalties for violation of the dangerous dog provisions cited in Section 9 and Section 822.005 of the Texas Health and Safety Code shall only apply to attacks against a person. If an attack occurs against livestock, domestic animals, or fowl, the following procedures shall be followed:

- a) the first known attack by a dog or coyote against livestock, domestic animals, or fowl shall result in prosecution of the owner under Section 10.3, above. If the owner is convicted or serves a period of deferred adjudication for the violation cited in Section 10.3, above, then Animal Control shall register the dog or coyote as a dangerous dog for the purposes of this subsection. After Animal Control has registered the dog or coyote as a dangerous dog under this section, Animal Control may provide owner with written requirements that will better enable owner to control the dangerous dog. If owner fails to implement these requirements to the satisfaction of Animal Control, then Animal Control may confiscate the dog or coyote in accordance with Section 9.8, above.
- b) If a dog or coyote that is registered under this subsection is subsequently accused of an attack against livestock, domestic animals, or fowl while the dog or coyote is running at large, then Animal Control shall:
 - 1) schedule a hearing to be held in accordance with Section 9.5, above;
 - 2) provide prior notice of such hearing to the owner; and
 - 3) confiscate the dog or coyote in accordance with Section 9.8, above, unless the owner securely confines the dog or coyote to the satisfaction of Animal Control.

If it is shown by a preponderance of the evidence that the dog or coyote, indeed, attacked livestock, domestic animals, or fowl, then the Animal Control Office shall humanely destroy the dog or coyote.

- c) If, after hearing, it is found that the dog or coyote shall be humanely destroyed under subsection 10.4(b) above, the owner may immediately and voluntarily relinquish ownership of the dog or coyote and request that the court allow placement of the dog or coyote with a nonprofit animal shelter, pound, or society for the protection of animals. The court may withdraw the order to have the dog or coyote humanely destroyed and grant such request, if the owner swears, in writing, to refrain from
- 1) interfering with the animal's placement, and/or
 - 2) attempting to own or possess the animal in the future.

EXCEPT FOR THE ABOVE MODIFICATIONS, ALL OTHER PROVISIONS OF ORDINANCE NUMBER 20893, PASSED ON OR ABOUT MARCH 18, 2003, REMAIN UNCHANGED, UNLESS PROPERLY MODIFIED BY SUBSEQUENT ORDER OF THE HAYS COUNTY COMMISSIONERS COURT.

PASSED, APPROVED AND ADOPTED THIS THE 28th OF FEBRUARY, 2012.



**JUDGE BERT COBB, M.D.
HAYS COUNTY JUDGE**

ATTEST:



**LIZ Q. GONZALEZ
HAYS COUNTY CLERK**

