

Montgomery County Regulations Affecting Dangerous Wild Animals



Montgomery County Animal Control
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MONTGOMERY COUNTY’S RULES TO REGULATE THE KEEPING OF CERTAIN WILD ANIMALS IN THE UNINCORPORATED AREA OF MONTGOMERY COUNTY, TEXAS

SECTION 1. AUTHORITY AND PURPOSE

- A. These rules are promulgated pursuant to and in conformity with the following statutory authority: Chapter 240 of the Texas Local Government Code, specifically including the authority granted pursuant to § 240.002 as well as the Texas Health and Safety Code, Chapter 822, Subchapter E.
- B. It is the purpose of the Commissioners’ Court of Montgomery County to exercise its authority to impose reasonable and uniform rules for the keeping of dangerous wild animals in Montgomery County, Texas. These rules are adopted to protect the health, safety and general welfare of people in Montgomery County and also to protect the health, safety and general welfare of 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 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 the 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 Montgomery County Animal Control Authority (“Animal Control”) is authorized to enforce these rules 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.
- E. These rules apply to all portions of unincorporated Montgomery County. These rules apply to incorporated cities or towns that adopt these rules and execute cooperative agreements with Montgomery County for their enforcement.

SECTION 2. CONSTRUCTION.

- A. The Code Construction Act of Texas applies for the purpose of construing these rules unless an alternative instruction, definition or application is contained in these rules.
- B. The word “shall” is mandatory and not directory as used in these rules.
- C. The word “rule” includes “regulation”, “ordinance” or “order” and all have the same meaning as applied to these rules.
- D. These rules must be liberally construed to give affect to their purpose and intent.

SECTION 3. DEFINITIONS

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

Animal Control: The Montgomery County Animal Control Authority, its employees and agents.

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

County: Montgomery County, Texas.

Dangerous Wild Animal: The species of animals that the Commissioners' Court of Montgomery County 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. The list of animals may be amended from time to time as Commissioners' Court finds necessary to protect human health and safety.

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 man 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 Montgomery County Commissioners' Court to supervise the enforcement of these rules.

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

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

Owner: Any person that owns, harbors, shelters, keeps, controls, manages, possesses, has custody of or has part interest in any animal. It is a rebuttal 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 this definition. If a minor owns an animal subject to the provisions of these rules, his or her parent, or guardian is deemed the custodian 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 animals 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.

Registered Animal: An animal registered with Animal Control pursuant to these rules, whose owner 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 and 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.

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 4: RESTRICTIONS ON THE KEEPING OF DANGEROUS WILD ANIMALS IN MONTGOMERY COUNTY

- 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 a 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. A person may not keep, own, harbor or have custody or control of a dangerous wild animal (over three (3) weeks old) for any purpose, anywhere in Montgomery County, Texas, unless that person holds a certificate of registration for that animal issued by Animal Control.
- D. The number of young born to a dangerous wild animal in unincorporated Montgomery County shall be reported, in writing, to Animal Control within ten (10) days of birth. Within three (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 three (3) weeks must be registered.
- E. Dangerous wild animals, which are required to be registered under these rules, 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, in Texas Health and Safety Code, Chapter 822, Subsection E and in Texas Administrative Code, Chapter 169. If an animal escapes from the

enclosure in which it is confined it shall be presumed that the enclosure was not adequate to confine the animal.

- F. 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.
- G. A person who is the owner of a dangerous wild animal is required to comply with these rules no later than thirty (30) days after the effective date of these rules.
- H. A dangerous wild animal in the custody of a veterinarian authorized to practice in Texas under the Veterinary Licensing Act, is not subject to these rules so long as; the animal is owned by another person and the animal is in the custody of the veterinarian for the purpose of veterinary treatment or temporary housing for a period of less than one month.

SECTION 5: REGISTRATION OF DANGEROUS WILD ANIMALS

- A. The owner of a dangerous wild animal shall submit an application for registration to Animal Control on the form provided by Animal Control or a legible copy of that form. 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.
- B. Upon satisfaction of the requirements of these rules, a certificate of registration, registration number and tag will be issued. The tag shall be attached at all times to the enclosure in which each dangerous wild animal is kept.
- C. The application for registration shall include all of the following information and documentation:
 - 1. The full name, residential address and telephone number 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 color photograph of the animal, taken not earlier than the 30th day before the date the application is filed, clearly showing the animal's face, specifically both eyes, nose, ears and neck, and a complete identification of the animal including species, age, sex, size (by weight, height and length), coloration and/or markings and any other distinguishing characteristics, including identifying tattoos or microchips, and from where and from whom the animal was obtained.
 - 3. Whether the owner intends to breed the animal or whether it has been neutered or spayed.
 - 4. 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. 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.

5. 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, in an amount of not less than \$250,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by a dangerous wild animal.
6. 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.
7. A sworn statement that 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.
8. A sworn statement that 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.
9. A sworn statement that 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.
10. A sworn statement that:
 - a. all information in the application is complete and accurate; and
 - b. 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.
11. Prior to the expiration date of a certificate of registration, the owner of a registered animal shall file an 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:
 - a. inspected each animal being registered not earlier than the 30th day 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 subchapter.

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.

- D. If an owner fails to register an animal within the time frames required under these rules, but is otherwise determined by Animal Control to be in compliance with these rules, upon application for registration, the owner may be issued a certificate of registration, registration number and tag.
- E. Within thirty (30) days of receipt of an application, Animal Control shall either:
1. Issue a letter of denial stating with specificity the grounds upon which the application is denied. Such grounds may include, but are not limited to: the applicant's failure to provide all the information required under these rules or under Texas Health and Safety Code, Chapter 822, Subchapter E; the applicant's failure to accommodate inspection of an enclosure by Animal Control or to provide additional information about an enclosure requested by Animal Control; the applicant having made a misrepresentation of information contained in the application, including an omission; a finding that the enclosure described in the application does not comply with these rules or with Texas Health and Safety Code, Chapter 822, Subchapter E or with Chapter 169 of the Texas Administrative Code; a finding that keeping the animal at the location identified in the application would violate these rules or Texas Health and Safety Code, Chapter 822, Subchapter E or Chapter 169 of the Texas Administrative Code; or any other violation of any other provision of these rules or of Texas Health and Safety Code, Chapter 822, Subchapter E or of Chapter 169 of the Texas Administrative Code;
 2. Upon written request by the applicant, grant a ten day extension to accommodate an inspection or submission of other information requested by Animal Control; or
 3. Issue a certificate of registration, registration number and tag upon approval of the application and the confirmation that the enclosure in which the animal will be kept complies with these rules, with Texas Health and Safety Code, Chapter 822, Subchapter E, and with Chapter 169 of the Texas Administrative Code.
- F. If Animal Control finds that an application for an original or renewal certificate of registration does not meet the requirements of Section 822.104 of the Texas Health and Safety Code or, after inspection, than an applicant has not complied with Texas Health and Safety Code, Chapter 822, Subchapter E, Animal Control shall deny the applicant a certificate of registration and give the applicant a written notice of the denial and the reasons for the denial.
- G. 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 Texas Health and Safety Code, Chapter 822, Subchapter E, Animal Control shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.
- H. 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 or the municipal court in the municipality 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. The filing of an appeal of the denial or revocation of a certificate of registration under this section stays the denial or revocation until the court rules on the appeal.

- I. 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.
- J. Not later than the 10th 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.
- K. A certificate of registration issued under these rules is not transferable and is valid for one year after its date of issuance or renewal unless revoked. Registration is not transferable. If the animal is moved to a new location or transferred to a new owner, a new application shall be submitted, and the registration approved and a certificate of registration issued, prior to the transfer. The original registration number shall be reissued to the animal upon approval of the registration.
- L. In the event the registration tag is lost, a duplicate may be obtained from Animal Control.
- M. Animal Control shall keep a record of all the applications and certificates of registration issued under the terms of this rule, 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.
- N. Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing, signed by the owner, of the death, sale, or other disposition. If the animal has been transferred, the notice shall indicate the name and address of the new owner, and the location of the animal. 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 6: ENCLOSURE REQUIREMENTS

- A. The owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the Texas Department of Health, including Chapter 169 of the Texas Administrative Code. The following requirements also apply to the extent they are more restrictive than the caging requirements and standards established by the Texas Department of Health, including Chapter 169 of the Texas Administrative Code.
- B. Enclosures for animals required to be registered in Montgomery County 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.
- C. 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.
- D. 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 distant from each primary enclosure and that is sufficient to deter entry by the public. The perimeter fence shall be kept securely locked to prevent access by any person unless authorized to enter by the person who is responsible for the animal. The perimeter fence shall be a sufficient distance from the enclosure

in which the animal is kept to prevent physical contact between 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.

- E. Enclosures must be lighted so as to permit routine inspection of the facility and observation of the animals.
- F. Reliable and adequate electrical power if 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.
- G. Enclosures shall be equipped with locks and locking mechanisms to prevent opening by unauthorized persons or by the animal kept in the enclosure.
- H. Primary enclosures should provide each animal, at minimum, floor space at least six (6) times the area occupied by the animal when in a normal standing or reclining position.
- I. 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.
- J. 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.
- K. It shall be unlawful for any person to possess any dangerous wild animal in Montgomery County unless the animal is confined in an enclosure which meets or exceeds (1) the caging requirements and standards established by the Texas Department of Health, including Chapter 169 of the Texas Administrative Code and (2) these minimum construction specifications to the extent they are more restrictive than the caging requirements and standards established by the Texas Department of Health, including Chapter 169 of the Texas Administrative Code.
 - 1. Primary enclosure construction shall consist of not less than nine (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
 - 2. Construction materials for primary enclosures for rhinoceros or elephants shall consist of steel bars, masonry block or the equivalent.
 - 3. 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.

4. Frames for enclosures, including corners, braces, and top and bottom rails shall be securely bolted or welded to provide maximum strength.

SECTION 7: SANITATION

- A. The enclosures in which dangerous wild animals are kept shall be kept clean and in a sanitary condition.
- B. 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.
- C. 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 disease 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 8: 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:
 - (1) facilities and operations;
 - (2) animal health and husbandry; and
 - (3) 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:
 - (1) identify the animal treated;
 - (2) provide the date of treatment;
 - (3) describe the type or nature of treatment; and
 - (4) 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 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 9: TRANSPORTATION

- 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, 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 a 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 the 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.

SECTION 10: 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 with Texas Health and Safety Code, Chapter 822, Subchapter E. 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 11: 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 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 12: ENFORCEMENT

- A. 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 Texas Health and Safety Code, Chapter 822, Subchapter E, specifically, § 822.113. 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, 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, 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), Section 822.106, or Section 822.110(a) or (b) 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 as required by Texas Health and Safety Code, Chapter 822, Subchapter E.
 3. Failing to register an animal as required under these rules.
 4. Failing to keep animal in an enclosure that complies with these rules. 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 the enclosure.
 5. Failing to allow inspections in accordance with these rules.
 6. Failing to maintain an enclosure in which an animal is kept clean and in a sanitary condition as required by Section 7.
 7. Failing to maintain a dangerous wild animal in accordance with the animal health and husbandry standards required by Section 8.
 8. Failing to transport a dangerous wild animal in compliance with Section 9.

9. Failing to notify Animal Control of an attack or escape as required by Section 11.
10. Failing to report the birth of young, and the disposition of the young, as provided by these rules.
11. Making a misrepresentation of any fact, including the intentional omission of information, required to be provided to Animal Control under these rules, which, because of the nature of the misrepresentation, could hinder the effectiveness of these rules 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.

B. CIVIL PENALTY.

1. In addition or in the alternative, a person who violates Section 822.103(a) of the Texas Health and Safety Code 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. The county or municipality in which the violation occurs may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county or municipality.
3. The county or municipality in which the violation occurs 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.

C. 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 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 to obtain injunctive relief as the facts may warrant. If an immediate threat to 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.

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

SECTION 13: SEVERABILITY

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

SECTION 14: EFFECTIVE DATE

These rules shall become effective on the ____ day of November, 2003.

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. This determination is made pursuant to the authority granted in Chapter 240 of the Texas Local Government Code, specifically including the authority granted pursuant to Sections 240.001 as well as the Texas Health and Safety Code, Chapter 822, Subchapter E.

Lion	Bear,	Tiger,	Coyote,
Ocelot,	Jackal,	Cougar,	Baboon,
Leopard,	Chimpanzee,	Cheetah,	Orangutan,
Jaguar,	Gorilla,	Bobcat,	Apes ¹
Lynx,	Elephant,	Serval,	Rhinoceros,
Caracal,	Wolf,	Hyena,	

and the following categories of animals:

All hybrids of any of the above animals,
Non-domestic canids, including hybrids,
All non-domestic felids, including hybrids,
Non-domestic ungulates²,
Non-human primates³,
All venomous reptiles.

The identified animals and categories are found to be a potential threat to public health and safety because of the risk of serious traumatic injury and/or threat of disease transmission, including but not limited to rabies. In order to protect the health and safety of people in Montgomery County the keeping of these animals shall be regulated by the Montgomery County Commissioners' Court as authorized under the laws of Texas and the United States.

¹Apes are included within the "wild animal" definition of §240.001 and they are also included in the class of non-human primates.

²Ungulates are hooved animals. For clarification, under these regulations, llamas and camels are domesticated ungulates

³Since October 10, 1975, the importation of non-human primates has been prohibited by Public Health Service quarantine regulations except for scientific, educational or exhibition purposes by importers registered with the Centers for Disease Control (CDC). Non-human primates are not admissible into the U.S. as pets. Regulations were developed by CDC because such animals are a significant source of infectious disease in humans. See Department of Human Services Centers for Disease Control Advisory Memorandum No. 65. July 26, 1988.