

STATE OF TEXAS :
 :
COUNTY OF COMAL :

ORDER #96

RELATING TO THE KEEPING OF WILD ANIMALS

THIS ORDER is adopted in accordance with Texas Local Government Code Sections 240.001 and 240.002 and Texas Health and Safety Code Chapter 822, Subchapter E and applies in the unincorporated areas of the county.

WHEREAS, to preserve and protect public health and safety, the Commissioner’s Court of Comal County, Texas desires to prohibit the keeping of a wild animal in the County except by a person currently licensed as a Class “A” or “B” dealer or Class “C” exhibitor under the Federal Animal Welfare Act (7 U.S.C., §2131 etc.) which person fully complies with the requirements as set out below.

NOW, THEREFORE, BE IT ORDERED by the Commissioner’s Court of Comal County, Texas as follows:

1. This Order supercedes and repeals Commissioner’s Court Order #74.
2. For purposes of this Order, the following terms shall have the following meanings:
 - (a) “Wild animal” shall mean a lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of those animals; or
 - (b) Any specific individual non-domestic animal of any other species or hybrid that a person in possession of such animal either knows or reasonably should have known has previously demonstrated a propensity or predisposition to be dangerous on one or more occasions.
 - (c) “Comal County Animal Control Office” shall mean the Comal County Sheriff.
3. The keeping of a wild animal within any unincorporated areas of Comal County, Texas is hereby prohibited unless the wild animal is being kept by a person having a valid Class “A” or “B” dealer’s or Class “C” exhibitor’s license issued under the Animal Welfare Act (7 U.S.C. §2131, et seq.) who meets the following requirements:
 - (a) The person must have a valid Class “A” or “B” dealer’s or Class “C” exhibitor’s license and be operating in Comal County, Texas on the effective date of this Order.

- (b) The person must meet the registration and all other requirements of Chapter 822, Subchapter E of the Texas Health and Safety Code and Section 4 of this Order.
4. The following procedures shall be followed in registering a wild animal:
- (a) The applicant shall complete the application for certificate of registration on a form provided by the Comal County Animal Control Office. The application form and accompanying submittals must, at a minimum, include the information set forth in Section 822.104 of the Texas Health and Safety Code.
- (b) The applicant, for an original or renewal certificate of registration under this Order, shall pay to the Comal County Animal Control Office a fee of \$50.00 per wild animal being registered, up to a maximum of \$500.00.
- (c) A certificate of registration issued under this Order is not transferable and shall be valid for one year after its date of issuance or renewal unless revoked. It shall be the responsibility of the owner of the animal to seek renewal prior to the expiration of the certificate of registration each year that the owner is in possession of the animal.
5. A person commits an offense if the person is found to have violated the terms of this Order. Each animal with respect to which there is a violation and each day that violation continues is a separate offense. Each such offense is punishable as a Class C misdemeanor.
6. A person who fails to register an animal in accordance with this Order or fails to comply with the provisions of Chapter 822, Subchapter E of the Texas Health and Safety Code is also liable for a civil penalty of not less than \$200.00 or more than \$2,000.00 for each animal with respect to which there is a violation and for each day the violation continues.
7. The Comal County Criminal District Attorney or any attorney representing the County may file an action in a district court to enjoin a violation or threatened violation of this Order.
8. This Order does 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 that Act; (3) an organization that is an accredited member of the American Zoo and 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: (A) the animal is used as an integral part of the circus performances; and (B) 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 nonhuman 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; and (11) a dangerous wild animal that is: (A) 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 (B) an integral part of that species survival plan.

When approved, this Order shall be effective Sept. 4th, 2003.

absent
Danny Scheel, County Judge

Jack Dawson
Jack Dawson
Commissioner, Pct. #1

Jay Millikin
Jay Millikin
Commissioner, Pct. #2

Cristina Zamora
Cristina Zamora
Commissioner, Pct. #3

Jan Kennady
Jan Kennady
Commissioner, Pct. #4

Joy Streater
Attest, Joy Streater
Comal County Clerk