

SECTION 7 – TREATMENT OF ANIMALS

7.1 PROHIBITION OF INHUMANE OR CRUEL TREATMENT:

- a) Any inhumane or cruel treatment of any type of animal shall be deemed a nuisance.
- b) It shall be unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, by act or omission, treat an animal inhumanely or cruelly.
- c) All persons residing in Comal County who own domestic dogs or cats must keep such animals at the residential premises permanently occupied and inhabited by the animals owners, or humane shelter as deemed applicable by Animal Control Authority.
- d) No person shall transport or carry, on any public place, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including but not limited to convertibles, pick-up trucks and flatbed trucks) the animal shall be confined to a vented container or cage or by chain, rope; or other device cross-trieed to prevent the animal from falling or jumping from the motor vehicle or from strangling on a leash.
- e) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Leaving any animal in a standing or parked vehicle without adequate ventilation and water, shall constitute a per se danger to the animal's health and safety. Any Animal Control Officer or State Peace Officer is hereby

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authorized to obtain a seizure warrant from the Justice of the Peace or other court of competent jurisdiction to seize any animal that the Officer has probable cause to believe is being cruelly treated and in compliance with Section 821.022 of the Texas Health and Safety Code.

- f) Comal County adopts the Sections 42.10 of the Texas Penal Code relating to the prosecution and punishment of dog fighting.

7.2 WARRANT: A peace officer or animal control officer may seek a warrant from a justice court to seize an animal that the officer has reason to believe has been or is being cruelly treated, as defined in Section 2.7 herein.

7.3 HEARING: A hearing must be held within ten (10) days of the date the warrant is issued.

7.4 SEIZURE AND NOTICE OF HEARING: The officer executing the warrant shall seize the animal and give written notice to the owner of the time and place of the hearing.

7.5 PUBLIC AUCTION: An animal found by the court to have been cruelly treated may be sold at public auction, given to an animal shelter, pound, or society for the protection of animals, or humanely destroyed. At an auction authorized by 821.023(d) of the Texas Health and Safety Code, a bid by the animal's former owner or that person's agent may not be accepted.

7.6 EUTHANIZATION: Euthanization of an animal in an animal shelter must be performed in accordance with Chapter 821, Subchapter C of the Texas Health and Safety Code.

7.7 PENALTY FOR VIOLATION: A person who mistreats an animal is subject to prosecution in county court under Section 42.09 of the Texas Penal Code (relating to livestock) or Section 42.092 of the Texas Penal Code (relating to non-livestock) or Section 42.10 of the Texas Penal Code (relating to dog fighting). Violations range from Class A misdemeanors to