

COMMISSIONERS' COURT OF ELLIS COUNTY
AMENDED ORDER NO. 172.06

AN AMENDED ORDER PROHIBITING THE KEEPING OF DANGEROUS WILD ANIMALS WITHIN THE UNINCORPORATED AREAS OF ELLIS COUNTY, TEXAS

On this the 24th day of April, 2006, the Commissioners' Court of Ellis County, Texas, convened in a regular session of said court, at 101 West Main Street (2nd Floor), Waxahachie, Texas, with the following members present, to wit:

County Judge:

Judge Chad Adams

Commissioners:

Dennis Robinson, Commissioner, Pct. 1

Larry Jones, Commissioner, Pct. 2

Heath Sims, Commissioner, Pct. 3

Ron Brown, Commissioner, Pct. 4

During such session, the Court considered the ratification of an Amended Order Prohibiting the Keeping of Dangerous Wild Animals in the Unincorporated Areas of Ellis County, Texas, that was originally approved on November 10, 1997 by Minute Order 97-332, first amended on September 10, 2001 by Minute Order 01-415, again amended on September 23, 2002 by Minute Order 380.02, and now amended again as follows:

WHEREAS, the Commissioners' Court of Ellis County, Texas, is authorized by §240.002 of the Texas Local Government Code and §822.101 *et. seq.* of the Texas Health and Safety Code to prohibit and/or regulate the keeping of dangerous wild animals in the unincorporated areas of Ellis County, Texas; and

WHEREAS, the Commissioners' Court of Ellis County, Texas, has concluded that dangerous wild animals, as defined in this Amended Order, kept within Ellis County, Texas, are dangerous and are an attractive nuisance creating a hazard to the health and safety of its citizens; and

WHEREAS, the Commissioners' Court of Ellis County, Texas, in order to preserve and protect health and safety, desires to prohibit the keeping of dangerous wild animals, as defined in this Amended Order, and as is provided by §240.002 of the Texas Local Government Code and §822.101 *et. seq.* of the Texas Health and Safety Code.

WHEREAS, it is the intent of the Commissioners' Court that this Amended Order will amend and supercede such Minute Order 380.02, which previously amended and superceded Minute Order 01-415, which previously amended and superceded Minute Order 97-332.

THEREFORE, pursuant to the authority granted by Chapter 240 of the Texas Local Government Code and Chapter 822 of the Texas Health and Safety Code, BE IT ENACTED BY THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS:

AMENDED ORDER OF THE COMMISSIONERS' COURT

SECTION 1

A person commits an offense if he owns, possesses, transports, has custody of, or harbors a dangerous wild animal, as defined in this Amended Order, within the unincorporated areas of Ellis County. There shall be a separate offense for each dangerous wild animal involved.

SECTION 2

For the purpose of this Amended Order, and as defined in §822.101(4) of the Texas Health and Safety Code, a "dangerous wild animal" means:

- (a) a lion;
- (b) a tiger;
- (c) an ocelot;
- (d) a cougar;
- (e) a leopard;
- (f) a cheetah;
- (g) a jaguar;
- (h) a bobcat;
- (i) a lynx;
- (j) a serval;
- (k) a caracal;
- (l) a hyena;
- (m) a bear;
- (n) a coyote;
- (o) a jackal;
- (p) a baboon;
- (q) a chimpanzee;
- (r) an orangutan;
- (s) a gorilla; or
- (t) any hybrid of an animal listed in this section.

SECTION 3

The provisions of this Amended Order do not apply to:

- (a) a person owning, possessing, transporting, harboring, or having custody of a dangerous wild animal, as defined in this Amended Order, within a municipality; and,

(b) any of the following classifications of animals specifically excepted under §822.102(a) of the Texas Health and Safety Code:

(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 a person who holds a rehabilitation permit licensed 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 and 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 owned by and in the custody and control of a person whose 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, custody or control 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.

SECTION 4

An offense under this Amended Order shall be punishable as a Class C misdemeanor. Each day that a violation of this Amended Order exists shall constitute a separate offense under this Order.

SECTION 5

Notwithstanding Section 4, the Attorney for the State of Texas is hereby additionally authorized to file an action in a Justice of the Peace Court or any other appropriate court to enjoin a violation of this order.

SECTION 6

If any section, article, paragraph, sentence, clause, phrase or word in this Amended Order, or application thereto, or any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Amended Order; and the Commissioners' Court hereby declares it would have passed such remaining portions of the Amended Order despite such invalidity, which remaining portions shall remain in force and effect.

SECTION 8

This Amended Order shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED IN OPEN COURT on this the 24th day of April, 2006.


Chad Adams, County Judge



Commissioner Dennis Robinsen, Precinct 1

Commissioner Larry Jones, Precinct 2



Commissioner Heath Sims, Precinct 3



Commissioner Ron Brown, Precinct 4

Attest:



Cindy Polley, County Clerk

