

**FORT BEND COUNTY  
REGULATIONS PROHIBITING TRANSIENT ANIMAL SALES**



AS

ADOPTED ON \_\_\_\_\_, 2025  
EFFECTIVE ON \_\_\_\_\_, 2025

**FORT BEND COUNTY COMMISSIONERS COURT:**

**COUNTY JUDGE, KP GEORGE  
COMMISSIONER PCT. 1, VINCENT MORALES  
COMMISSIONER PCT. 2, GRADY PRESTAGE  
COMMISSIONER PCT. 3, ANDY MEYERS  
COMMISSIONER PCT. 4, DEXTER MCCOY**

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**SECTION 1.0: PURPOSE, STATUTORY AUTHORIZATION, AND DEFINITIONS**

**1.1 PURPOSE.**

The purpose of these Fort Bend County Regulations Prohibiting Transient Animal Sales (“Regulations”) is to safeguard and promote the public health, safety, morals, and general welfare of the people of Fort Bend County, Texas, by establishing regulations prohibiting the sale of live animals occurring on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot, in an unincorporated area of Fort Bend County. Among other purposes, the prohibition of such sales helps to deter over breeding, unsanitary practices, and unhealthy animals associated with such roadside sales.

**1.2 AUTHORITY TO ADOPT REGULATIONS.**

Fort Bend County, Texas, (the “County” or “Fort Bend County”), a body corporate and public under the laws of the State of Texas (the “State” or “Texas”), is authorized to adopt regulations to regulate the sale of live animals in the unincorporated area of the County that occur on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot, pursuant to Chapter 285 of the Texas Transportation Code, as amended.

**1.3 AREAS COVERED BY THESE REGULATIONS.**

These Regulations apply to all unincorporated areas located within Fort Bend County, Texas, including areas in the extraterritorial jurisdiction of municipalities within the County.

**1.4 DEFINITIONS.**

- 1.4.1 *Animal* means non-human, warm-blooded and cold-blooded living creatures.
- 1.4.2 *Parking lot* means a property or portion of property which has a primary function dedicated to the off-street parking, ingress, and egress of motor vehicles.
- 1.4.3 *Person* means a natural human being or individual, group of human beings, partnership, business, legal entity, association, or organization.
- 1.4.4 *Sale* is defined to include sell or exchange for money, or exchange for other consideration, or for inducement to act for the benefit of the vendor or another person, trade, barter, lease, rent, display for a commercial purpose, solicit, or accept a donation or a placement fee.

- 1.4.5 *Structure* means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including, but not limited to, signs, tables, stands, chairs, fences, tents, canopies, walls, poles, a parked vehicle, and buildings, whether of a temporary or permanent nature.
- 1.4.6 *Variance* means a grant of relief by the County from the requirements of these Regulations.
- 1.4.7 *Vendor* means any person who engages in, or is responsible for, a sale or sales as defined in Section 1.4.3.

## **SECTION 2.0: REGULATION OF SALE AND SOLICITATION OF LIVE ANIMALS**

### **2.1 PROHIBITION OF SALE AND SOLICITATION OF LIVE ANIMALS.**

Any sale by a vendor of live animals conducted from a public highway or road, in the right-of-way of a public highway or road, or in a parking lot is strictly prohibited.

### **2.2 PROHIBITION OF STRUCTURE.**

The erection, maintenance, or placement of a structure by a vendor of live animals is strictly prohibited from a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.

### **2.3 EXCEPTIONS.**

These Regulations do not apply to and do not ban the adoption, solicitation, or sale of live animals in a parking lot by Fort Bend County acting through Fort Bend County Health and Human Services, or Fort Bend County Animal Services, or its agents.

### **2.4 VARIANCE.**

2.4.1 The Fort Bend County Commissioners Court (hereinafter, the “Commissioners Court”) authorizes the Fort Bend County Director of Animal Services (hereinafter, the “Director”) to grant temporary variances from these Regulations.

2.4.2 A person seeking a variance must fill out and submit in person a Variance Request Form at the offices of the Fort Bend County Animal Control at least thirty (30) days prior to the date for which such variance is sought. The Director may request additional information or documentation from the person(s) requesting a variance from these Regulations in order to make a determination to deny or grant the request.

2.4.3 The Director has the discretion to grant a variance upon a determination that granting a variance will not be detrimental to the purposes set forth in these Regulations. The

Director's failure to review or deny a variance request of a person does not create a right to receive a variance or exemption from these Regulations. No variance shall be issued to a person for any activity that has previously transpired.

2.4.4 If granted, the Director's variance shall (1) be issued in writing, (2) identify the specific dates for which the variance shall be effective, (3) identify the location (*e.g.*, the address of a parking lot) covered by the variance, (4) identify the names of the person(s) for whom the variance applies, and (5) identify any conditions or requirements that the Director may set for the variance.

2.4.5 As a term or condition for every variance, persons granted a variance under these Regulations must keep and display the valid written variance document at the location where the variance would apply throughout the time period covered by the variance. Persons granted a variance must present the valid written variance to any law enforcement officer or Fort Bend County Animal Services officer who requests to inspect it.

2.4.6 A variance is automatically void if a person fails to comply with any of its terms or conditions and shall subject that person immediately to the full prohibitions and remedies of these Regulations.

2.4.7 The Director's decision may be appealed through a request to the Commissioners Court.

## **SECTION 3.0: VIOLATIONS AND ENFORCEMENT OF REGULATIONS**

### **3.1 CRIMINAL REMEDIES.**

#### **3.1.1 Offense for Sale.**

Pursuant to Texas Transportation Code §§ 285.001 and 285.004, a person commits an offense in violation of these Regulations if the person knowingly offers for sale live animals while on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot. An offense under this Section is a Class C misdemeanor.

#### **3.1.2 Offense for Structure.**

Pursuant to Texas Transportation Code §§ 285.001 and 285.004, a person commits an offense in violation of these Regulations if the person knowingly erects, maintains, or places a structure for the purposes of selling live animals on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot. An offense under this Section is a Class C misdemeanor.

#### **3.1.3 Offense for Obstructing Removal of Structure.**

Pursuant to Texas Transportation Code §§ 285.001 and 285.004, a person commits an offense if the person obstructs or threatens to obstruct the removal of a structure that is in violation of these Regulations. An offense under this Section is a Class C misdemeanor.

#### 3.1.4 Criminal Penalty.

- a. Each day a violation continues is considered a separate offense.
- b. Only a duly licensed peace officer acting within the officer's jurisdiction may issue a citation for an offense set forth under this Section 3.

### **3.2 REMOVAL OF STRUCTURE.**

Pursuant to Texas Transportation Code § 285.002, a person in violation of Section 3.1.2 (Offense for Structure) of these Regulations must abate the violation by removing the offending structure from the location where the structure is unlawfully located. The person in violation of Section 3.1.2 must immediately remove the offending structure after receiving notification of the violation from a duly licensed peace officer acting within the officer's jurisdiction, or from Fort Bend County Health and Human Services, or Fort Bend County Animal Services, or its agents. If the person fails to immediately remove the offending structure, Fort Bend County may arrange for the removal of the structure, full abatement of the violation, and shall assess all removal and abatement costs against the person who is in violation of these Regulations. Nothing contained herein shall limit Fort Bend County's ability to exercise any other right or remedy available to abate a violation under these Regulations.

## **SECTION 4.0: ADDITIONAL PROVISIONS**

### **4.1 CONFLICT WITH STATUTE OR STATE AGENCY RULE.**

If these Regulations conflict with a statute or state agency rule, the statute or rule prevails to the extent of the conflict.

### **4.2 SEVERANCE CLAUSE.**

The Commissioners Court hereby declares the adoption of these Regulations and each separate part hereof. Any part of these Regulations held to be invalid shall not affect the validity of the remaining portions.

### **4.3 CUMULATIVE EFFECT.**

Authority under these Regulations is cumulative of other authority that Fort Bend County and its incorporated municipalities have to regulate the safety of animals and does not limit that authority.

### **4.4 COMPLIANCE WITH OTHER REGULATIONS.**

In addition to the Regulations herein, persons must also comply with all state, federal and local law including all other regulations of Fort Bend County.