

STATE OF TEXAS
COUNTY OF CALDWELL

REVISED DECEMBER 17, 2007

RABIES AND ANIMAL CONTROL REGULATIONS AND ORDER

WHEREAS, it is the desire of this Court to establish regulations concerning vaccination of animals that have been exposed to rabies, quarantining, and testing of biting animals, reduction of the stray animal population, restraint of vicious animals and prohibition of animals running at large; and to prescribe penalties for violation of such provisions in accordance with and pursuant to Chapter 822, Subchapters A, B, and D; and Chapter 826 of the Texas Health and Safety Code, V.T.C.A.

NOW, THERE BE IT ORDERED BY THE COMMISSIONERS COURT OF CALDWELL COUNTY, TEXAS, that the following provisions be adopted this the 11th day of February, 2002.

SECTION 1 DEFINITIONS

When used in this Order the following words and terms shall be interpreted as follows:

- 1.1 ANIMAL OWNER: Any person having custody of or who owns, feeds, keeps, maintains or harbors an animal. Harboring shall include knowingly feeding or allowing a dog or cat to remain on the owner's premises for more than 3 days. Maintaining an animal for oneself means possession/ownership.
- 1.2 BITE: Puncturing or tearing of the skin caused by an animal's teeth.
- 1.3 CAT: Felius Catus.
- 1.4 CURRENTLY VACCINATED: Vaccinated and satisfying the following criteria:
 - a) The animal must have been vaccinated at three (3) months of age or before 4 months as prescribed by the Texas Department of Health.
 - b) At least thirty (30) days have elapsed since the initial vaccination.
 - c) Not more than 3 years have elapsed since the most recent vaccination.
- 1.5 DOG: Canis Familiaris
- 1.6 LOCAL RABIES CONTROL AUTHORITY (LRCA):

The officer designated by the County to enforce rabies control as prescribed under the Texas Health and Safety Code, Chapter 826, V.T.C.A.
- 1.7 NUISANCE:

Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the right of citizens, other than their owner, to enjoyment of life or property. The term "nuisance animal" shall mean and include, but is not limited to any animal that:

- a) is at large;
- b) characteristics which establishes such animal as a "dangerous animal";
- c) damages, soils, defiles or defecates on private property unless such waste is immediately removed and properly disposed of by the owner of the animal;
- d) makes excessively disturbing noises, including, but not limited to, continued whining or barking or other utterances, causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- e) chases vehicles or molests, attacks or interferes with other animals or persons on public property;
- o produces odors or unclean conditions sufficient to annoy persons living in the vicinity;
- g) is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- h) has been found by the County Court at Law, after notice to its owner and a hearing, to be a nuisance animal by virtue of being a menace to the public health, welfare, or safety.

1.8 RUNNING/BEING AT LARGE:

This definition does not apply to any dog, while actually working livestock, greyhound racing, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, participating in a dog show or an obedience class, or while being trained for any of these pursuits. Dogs tethered to a stationary object but which can range within six (6) feet of public property, street, sidewalk, or right-of-way shall be deemed to be at large if the dog's owner is not immediately present. An animal within an automobile or vehicle of its owner shall not be deemed "At Large". An animal off its owner's premises, not under its owner's control, is deemed "running/being at large".

1.9 SECURE ENCLOSURE: A fenced area or structure that is capable of preventing the escape or release of an animal.

1.10 STRAY:

Roaming without physical restraint or owner supervision beyond the premises of the animals' owner.

1.11 VACCINATED:

Properly injected with a rabies vaccine licensed for use in that species by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.

1.12 WILD

All species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

SECTION 2 RABIES CONTROL

2.1 VACCINATIONS:

The owner of a dog or cat shall have the animal vaccinated against rabies by the time it is three (3) months of age or before age 4 months, the animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years. Any person moving into the County from a location outside of the County shall comply with this Ordinance within ten (10) days after having moved into the County.

2.2 CERTIFICATE OF VACCINATION:

Upon vaccination, the veterinarian will keep records of the vaccinations.

2.3 RABIES TAG:

Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall attach to the collar or harness of the vaccinated dog or cat a metal tag, serial numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his/her address, the owner may produce Certificate when tags are

absent from animal. Tags are provided from the practicing veterinarian that vaccinates the animal. Duplicate tags may be obtained from the administering veterinarian.

2.4 PROOF:

It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit his copy of the Certificate of Vaccination upon demand to any person charged with the enforcement of this Ordinance.

2.5 UNVACCINATED ANIMALS:

It shall be unlawful for any person to own a dog or cat which has not been vaccinated against rabies, as provided herein, which cannot be identified as having a current vaccination certificate.

SECTION 3 REPORTING BITES FROM ANIMALS SUSCEPTIBLE OF RABIES

3.1 Any person having knowledge of a bite to a human by any warm-blooded animal shall report the incident to the Animal Control Officer or to a local law enforcement agency as soon as possible.

3.2 The owner, if any, of the biting animal shall place that animal in quarantine as prescribed in Section 4 under the supervision of the Animal Control Officer.

3.3 The Animal Control Officer or a Peace Officer shall investigate each bite incident reported.

SECTION 4 QUARANTINE PROCEDURES FOR ANIMALS

To be enforced as prescribed by the Texas Health and Safety Code, Chapter 826, Subchapter E, V.G.C.A.

SECTION 5 DOGS AT LARGE

5.2 a) Dogs shall be prohibited from being/running at large. If ownership is determinable, and the owner can be located, the owner may be cited for violation of this Order. If ownership is in question or if the animal is a stray, the animal shall be impounded for 72 hours or 3 days. An owner may claim the animal within this time-period after paying all incurred costs and impound fees.

b) The Animal Control Officer or Peace Officers are authorized to impound any animal mentioned in this Order which is in violation of this Order. In the event the animal is on private property or property of the animal's owner, the Animal Control Officer or Peace Officer may enter the property, other than inside a private building, for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provision of the Order and Law.

5.2 DOGS AT LARGE:

No dog owner shall allow his dog from being or running at large, as defined at Section 1.8. Any dog off its owner's premises shall be under control by its owner.

5.3 DOGS IN COMMON AND PUBLIC AREAS:

No dog owner shall allow his or her dog to run at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds unless permission is posted by county or public authorities allowing dogs at large.

5.4 EVIDENCE OF RUNNING AT LARGE:

It shall be prima facie evidence that a dog is running at large if the dog is allowed off of the owner's property or onto either public or private property without the consent of the land owner or someone acting with authority of the owner, as defined by Section 1.8.

5.5 IMPOUNDMENT:

- a) Animals owned or harbored in violation of the Caldwell County Ordinances or laws of the State of Texas shall be taken into custody by an Animal Control Officer or other designated official and impounded under the provisions of this Order.
- b) Owners of impounded pets are required to pay all fees related to the impoundment as set by Caldwell County.

5.6 DISPOSITION OF IMPOUNDED ANIMALS:

- a) Dogs and cats with no identification:
All dogs and cats impounded by the Animal Control Department or brought to the animal shelter by a person other than the harborer or owner of that animal shall be held for a minimum of 3 days during which time period the owner may present proof of ownership at the shelter. After paying all applicable fees, that owner may reclaim the dog/cat. In the event that the dog/cat is not claimed after 3 days in the shelter, that dog/cat shall become the property of Caldwell County Animal Shelter.
- b) Dogs and cats with identification:
All dogs and cats impounded by the Animal Control Department or brought to the animal shelter by a person other than the harborer or owner of that animal that are wearing traceable identification or where an owner is known shall be held in the shelter for a minimum 5 days from the time the animal enters the facility, during which time the Animal Control Department will notify the owner, when known, of the impoundment. Unless notified by owner of his/her intentions to claim the dog/cat after that date, listing a date by the Animal Control Supervisor, the animal shall become the property of Caldwell County Animal Shelter.
- c) Animals surrendered by the owner/harbored:
All animals surrendered by the owner/harbored to the Animal Control Department shall become the property of Caldwell County Animal Shelter immediately upon completion of the owner/harbored surrender form. Fees for owner surrendered animals shall be set by the Caldwell County Commissioners Court.
- d) Animals other than dogs, cats or stray impounded:
All animals other than dogs, cats, stray or animals holding current restricted animal permits in Caldwell County impounded by the Animal Control Department or brought to the animal shelter by a person other than the owner/harbored shall become the property of the Caldwell County Animal Shelter unless such ownership is prohibited by State or Federal law.
- e) Disposition of animals:
Any animal that cannot be adopted or transferred to a proper and appropriate agency shall be euthanized by an injection of substances approved for euthanasia by the American Veterinary Medical Association and/or the Texas Veterinary Medical Association or by other State of Texas approved method. The euthanasia is to be administered in compliance with the laws of the State. All animals listed as endangered or protected shall be transferred to the proper authority at the earliest possible date.

5.7 ANIMALS HELD ON COMPLAINT:

If a complaint has been filed in County Court for the County against the owner of an impounded animal for a violation of this Order the animal shall not be released except on the order of the Animal Control Department which may also direct the owner to pay any penalties for violation of this Order in addition to all impoundment fees. Surrender of an animal by the owner thereof to the Animal Control

Department does not relieve or render the owner immune from the decision of the court, nor from the fees and fines which may result from a violation of this Order.

5.8 REMOVAL OF ANIMALS FROM CONFINEMENT:

- a) **Removal of animal from confinement:**
It shall be unlawful for any person to remove or allow to escape from any place of confinement any dog or cat which has been confined as authorized, without the consent of the impounding agency.
- b) **Impounding-interfering with Officers:**
It should be unlawful for any person to interfere or attempt to interfere with the Animal Control Officer or to attempt to interfere with the Animal Control Officer or to interfere or attempt to interfere with any person acting for the County in the taking up and impounding of animals in the County.

5.9 AUTHORITY TO DESTROY INJURED/DISEASED ANIMAL:

- a) The Animal Control Department or authorized representative, is authorized to destroy any injured or diseased animal, whether such animal is on public or private property, and the recovery from such injuries or disease is in serious doubt, if the owner of the animal cannot be determined or located after making a reasonable effort.
- b) The Animal Control Department or authorized representative is authorized to destroy any animal which is known to be wild, feral, or due to its temperament or vicious behavior constitutes a threat to the public or the Animal Control Department.

5.10 ADOPTION OF ANIMAL:

- a) All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction. The person adopting the animal shall sign an adoption contract stating that he/she will have the animal surgically altered and the date by which the surgery must be performed, if the animal has not been altered before it leaves the animal shelter.
- b) It shall be the responsibility of the person adopting to provide proof of altering to the Animal Control Department.
- c) Failure to comply with this section or failure to comply with the terms of the adoption contract shall give the Animal Control Department the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this Order.
- d) The adoption fee shall be set by the Caldwell County Commissioners Court to render neutral the cost of surgically altering, medicating, vaccination and preparing the animal for adoption. The person adopting the animal shall be provided a list of fees related to the adoption prior to the agreement being signed. Adoptions shall be sole responsibility of Caldwell County Animal Control Department.

SECTION 6

DOGS THAT ARE A DANGER TO PERSONS/OWNERSHIP OF DANGEROUS DOGS

To be enforced as prescribed by the Texas Health and Safety Code, Chapter 822, Subchapter A and D, V.T.C.A. per Provisions of State Law.

SECTION 7

NUISANCE ANIMALS/BARKING DOGS

7.1 NUISANCE ANIMAL:

No person, owner, or harbinger shall permit any animal in his/her care or custody to become a nuisance as defined in Section 1 of this Order.

7.2 BARKING DOGS PROHIBITED:

No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

7.3 PROVOCATION DEFENSE:

Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of Section 7.1

7.4 WARNING REQUIRED:

No person shall be charged with a violation of Section 7 unless written warning has previously been provided to the owner as detailed in Sec. 7.5.

7.5 WARNING PROCESS:

The warning process to be employed shall be substantially as follows:

- a) The Animal Control Officer or any Peace Officer may issue a warning after either receiving a phoned-in complaint and investigating and validating the complaint in the field, or after receiving two phoned-in complaints from different households.
- b) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, and the date, a time, place and duration of the offense.
- c) A record or incident report shall be kept of any such complaint and investigation.
- d) A warning to a dog owner shall cite Section 7.1 and advise the owner of penalty for the violation of Section 7.1. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Control Officer or Peace Officer empowered by Caldwell County to enforce the provisions of this Ordinance.

7.6 NOTICE AND EVIDENCE OF WARNINGS:

It shall be determined that an owner has been properly served a warning under Section 7.4 if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U.S. Mail, certified, return receipt requested, postage prepaid and addressed to the owner of the dog according to the last known address.

7.7 COMPLAINANT RIGHTS AND RESPONSIBILITIES:

- a) The identity of a complainant(s) shall be kept confidential until a violation of this Section is charged.
- b) If a violation of this Section is charged, the complainant(s) or Animal Control Officer or Peace Officer shall sign a citation in the jurisdiction of the offender attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

SECTION 8 ABANDONED, ABUSED OR NEGLECTED ANIMALS
(Texas Penal Code, Section 42.09 – Cruelty to Animals)

8.1 ABANDONMENT, ABUSE, OR NEGLECT PROHIBITED;

- a) No person shall abandon an animal in his/her custody.
- b) No owner shall fail to provide an animal in his/her care with sufficient good and wholesome food or water, adequate shelter and protection from weather, veterinary care when needed to prevent suffering, grooming when lack thereof would adversely affect the health of the animal, and with humane care and treatment.
- c) No person shall beat, cruelly treat, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans. Cruel manner includes a manner that causes or permits unjustified or unwarranted pain or suffering.

SECTION 9

This Section is reserved for expansion.

SECTION 10 CREATION, SUPERVISION AND DUTIES OF LOCAL RABIES CONTROL AUTHORITY

- 10.1 The Commissioners Court hereby appoints the Animal Control Officer as the Local Rabies Control Authority.
- 10.2 Among other duties, the Animal Control Officer, acting as the designated Local Rabies Control Authority shall enforce:
 - a) All state laws and the rules adopted by the Texas Department of Health establishing minimum standards for Rabies Control;
 - b) This Order and all others promulgated by the County concerning rabies quarantines.
 - c) The rules adopted by the Texas Department of health concerning area rabies quarantines.
- 10.3 The Animal Control Officer is hereby empowered to issue appropriate citations relative to enforcement of this Ordinance in the County outside of municipalities.

SECTION 11 IMPOUNDMENT/SURRENDER/REGISTRATION FEES

11.1 IMPOUNDMENT FEES

An owner claiming an animal, which has been impounded under this Order shall pay a fee prior to the release of said animal. (See attached fee list).

In addition, costs of boarding the animal and vaccination expense, if applicable, together with any other costs incurred, will be due prior to release of the animal.

11.2 OWNER SURRENDER:

Per dog or cat (3 months and older):	\$15.00
Per litter under 3 months:	\$15.00

11.3 DANGEROUS DOG REGISTRATION - \$50.00 Annually.

SECTION 12 PENALTY FOR VIOLATION

A violation of any of the above provisions is a Class C misdemeanor unless otherwise prescribed by State Law.

SECTION 13 GENERAL PROVISIONS

13.1 SEVERANCE CLAUSE

If any section, sentence, clause or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

13.2 SAFETY CLAUSE

The Commissioners Court hereby finds, determines and declares that this Order is necessary for the immediate preservation of the public peace, health and safety.

13.3 REPEALER

All other orders and parts of the orders in conflict herewith are repealed.

13.4 MUNICIPAL ORDINANCES TO SUPERSEDE

The promulgation and establishment of these regulations by Caldwell County Commissioners Court shall not prevent a corporate municipality within the County from establishing rules and regulations to control animals within their corporate limits. Any such ordinance established by said corporate municipalities shall supersede that County order thereby preventing dual enforcement. This Order will not be enforced within the corporate limits of any municipality.

SECTION 14 EFFECTIVE DATE

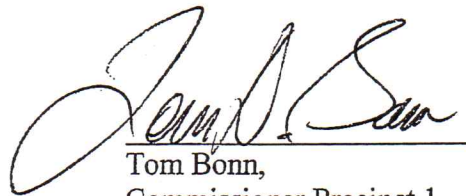
This Order shall become effective: **February 11, 2002.**


ATTACHMENT


LOCKHART AND CALDWELL COUNTY ANIMAL SHELTER FEE LIST

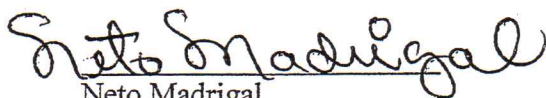
- I. IMPOUNDMENT FEES.** An impoundment fee must be paid for each animal Captured, as follows:
- (A) Dog or cat.....\$25.00
 - (B) Licensed Dog or cat.....\$10.00
 - (C) Fowl or other small animal\$15.00
 - (D) Livestock\$50.00
 - (E) Zoological and/or circus animals.....\$100.00
 - (F) Puppies and kittens (per litter), under three (3) months of age\$20.00
 - (G) Owner release dog or cat.....\$15.00
 - (H) Owner release, puppies or kittens (per litter).....\$15.00
- II. BOARDING FEES.** A boarding fee must be paid, in addition to the impoundment fee, for each animal adopted as follows:
- (A) Dog per day of confinement.....\$5.00
 - (B) Cat per day of confinement.....\$5.00
 - (C) Fowl or other small animal, one-time charge.....\$10.00
 - (D) Zoological and/or circus animal, per day of confinement...\$300.00
 - (E) Rabies Quarantine.....\$75.00 plus the cost of a rabies vaccination and Veterinarian cost.
- III. ANIMAL ADOPTION FEES.** An adoption fee must be paid for each animal adopted as follows:
- (A) Adoption Fee, dog or cat.....\$20.00
- IV. OWNER REQUESTED EUTHANASIA.** A euthanasia fee must be paid for each animal as follows:
- (A) Dog or cat.....\$15.00
 - (B) Puppies or kittens (per litter).....\$20.00
- V. CAT/DOG TRAP AGREEMENT VIOLATION FEES.** Fees must be paid if the agreement to use a county owned cat or dog trap is violated.
- (A) Deposit Forfeited per agreement.....\$20.00
 - (B) Late fee per day (after 7 days).....\$5.00
 - (C) Cost of Cat Trap.....\$50.00
 - (D) Cost of Dog Trap.....\$150.00


PASSED AND ADOPTED by the Commissioners Court of Caldwell County, State of Texas, on the 17th day of December 2007.


Tom Bonn,
Commissioner Precinct 1


H. T. Wright,
County Judge

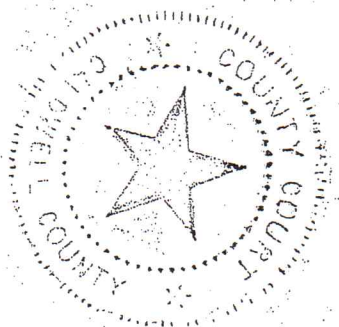

Charles Bullock
Commissioner Precinct 2


Neto Madrigal,
Commissioner, Precinct 3


Joe Ivan Roland
Commissioner, Precinct 4

ATTEST:

Nina S. Sells, County Clerk



TEXAS ADMINISTRATIVE CODE
TITLE 25. HEALTH SERVICES
PART I. DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 169. ZONOSIS CONTROL
RABIES CONTROL AND ERADICATION

§169.21. Purpose

The purpose of these sections is to protect public health by establishing uniform rules for the control and eradication of rabies in the State of Texas, in accordance with Chapter 826 of the Texas Health and Safety Code.

§169.22. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Unless defined below, all words have definitions as provided in the Texas Health and Safety Code, §826.002.

(1) Animal – Any mammal, domesticated or wild.

(2) Assistance animal – An animal that is specially trained or equipped to help a person with a disability and that:

(A) is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and

(B) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.

(3) Cat – Any domestic cat, excluding hybrids.

(4) Confinement - The restriction of an animal to an area, in isolation from other animals and people, except for contact necessary for its care.

(5) Currently vaccinated – Vaccinated and satisfying all the following criteria.

(A) The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that animal species at or after the minimum age requirement and using the recommended route of administration for the vaccine.

(B) At least 30 days have elapsed since the initial vaccination.

(C) The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer.

(6) Custodian – A person or agency which feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal.

(7) Department – The Department of State Health Services.

(8) Dog – Any domestic dog, excluding hybrids.

(9) Domestic animal – Any animal normally adapted to live in intimate association with humans or for the advantage of humans.

(10) Domestic ferret - Any *Mustela putorius furo*.

(11) Health service region – A contiguous group of Texas counties, so designated by the Executive Commissioner of the Health and Human Services Commission.

(12) High-risk animals - Those animals which have a high probability of transmitting rabies; they include skunks, bats, foxes, coyotes, and raccoons.

(13) Housing facility – Any room, building, or area used to contain a primary enclosure or enclosures.

(14) Humanely killed – To cause the death of an animal by a method which:

(A) rapidly produces unconsciousness and death without pain or distress; or

(B) utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.

(15) Hybrid – Any offspring of two animals of different species.

(16) Impoundment - The collecting and confining of an animal by a government entity or government contractor pursuant to a state or local ordinance.

(17) Impoundment facility – An enclosure or a structure in which an animal is collected or confined by a government entity or government contractor pursuant to a state or local ordinance.

(18) Local rabies control authority – The officer designated by the municipal or county governing body under the Texas Health and Safety Code, §826.017.

(19) Low-risk animals – Those animals which have a low probability of transmitting rabies; they include all animals of the orders Didelphimorphia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

(20) Observation period – The time following a potential rabies exposure during which the health status of the animal responsible for the potential exposure must be monitored. The observation period for dogs, cats, and domestic ferrets (only) is 10 days (240 hours); the

observation period for other animals, not including those defined as high risk or low risk, is 30 days. All observation periods are calculated from the time of the potential exposure.

(21) Police service animal – An animal as defined in the Texas Penal Code, §38.151.

(22) Potential exposure – An incident in which an animal has bitten a human or in which there is probable cause to believe that an animal has otherwise exposed a human to rabies; also referred to as a potential rabies exposure.

(23) Primary enclosure - Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

(24) Quarantine facility – A structure where animals are held for rabies observation.

(25) Quarantine period – That portion of the observation period during which an animal that has potentially exposed a human to rabies is under physical confinement for observation as provided for in §169.27 of this title (relating to Quarantine Method and Testing).

(26) Sanitize – To make physically clean and to destroy disease-producing agents.

(27) Unowned animal – Any animal for which a custodian has not been identified.

(28) Vaccinated – Properly administered by or under the direct supervision of a veterinarian with a rabies vaccine licensed for use in that species by the USDA.

(29) Veterinarian – A person licensed to practice veterinary medicine in the United States.

(30) Zoonosis Control Branch – The branch within the department to which the responsibility for administering these rules is assigned.

§169.23. Information Relating to the Control of Rabies

The department's Zoonosis Control Branch will assume the responsibility of collecting, analyzing, and preparing monthly and annual summations of rabies activity in the state. These reports will be forwarded to national, state, and municipal agencies as required, and selected statistics will be sent to veterinary medical and animal control organizations throughout the state.

§169.24. Preexposure Rabies Vaccination

Preexposure rabies vaccinations should be administered to all individuals whose activities place them at a significant risk of exposure to rabies, in accordance with the recommendations of the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP).

§169.25. Reports of Human Exposure to Rabies

(a) Any person having knowledge of a potential rabies exposure to a human will report the incident to the local rabies control authority as soon as possible after the incident. This requirement does not apply to contacts with low-risk animals as defined in §169.22 of this title (relating to Definitions).

(b) The custodian of an animal that has potentially exposed a person to rabies will place that animal in quarantine or submit it for testing as prescribed in §169.27 of this title (relating to Quarantine Method and Testing).

(c) The local rabies control authority will investigate each potential exposure and assure appropriate resolution, in accordance with §169.27.

§169.26. Facilities for the Quarantining or Impounding of Animals

(a) Generally.

(1) Structural strength. Housing facilities shall be structurally sound and shall be maintained in good repair in order to protect the animals from injury, to contain them, and to prevent transmission of diseases.

(2) Water and electric power. Reliable and adequate electric power, if required to comply with other provisions of these sections, and adequate potable water shall be available.

(3) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food. Non-perishable foods, such as dry food, do not require refrigeration. For example, open bags of non-perishable dry food may be stored in sealed cans, and unopened bags may be stacked on pallets or shelves with at least 12 inches of clearance between the floor and the first level.

(4) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestations, odors, and disease hazards. A suitable method shall be provided to rapidly and safely remove water and other liquid waste from housing facilities. Housing facilities should be designed to have animal excreta removed through sanitary sewers, septic systems, or garbage. All closed drainage systems should be equipped with traps, vents, and acceptable drain covers to exclude rodents and prevent any backup of sewer gas and odors into the facility.

(5) Washrooms and sinks. Facilities for personal hygiene, such as washrooms, basins, or sinks, shall be provided for employees.

(6) Management. The manager of a facility should be either an individual who has satisfactorily completed an appropriate department training course or a veterinarian.

(7) Records. Records shall be kept on each animal processed through the housing facility. At a minimum, the records shall document the animal's description, impoundment date, disposition date, and method of disposition. Records shall be available for inspection by the department.

(8) Heating. Adequate shelter shall be provided to protect animals from any form of cold or inclement weather and direct effects of wind, rain, or snow. Auxiliary heat or clean, dry bedding material shall be provided any time the ambient temperature falls below 50 degrees Fahrenheit (10 degrees Celsius) for more than four consecutive hours when animals are present. If bedding material is used, larger quantities should be used as temperatures drop.

(9) Cooling and Ventilation. Adequate shelter shall be provided to protect animals from any form of overheating and direct rays of the sun. Facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as fans or air conditioning, shall be provided in indoor facilities when the ambient temperature is 85 degrees Fahrenheit (29.5 degrees Celsius) or higher.

(10) Lighting. Housing facilities shall have ample light of sufficient intensity to permit routine inspection and cleaning. Primary enclosures shall be situated to protect the animals from excessive illumination.

(11) Construction. Housing facilities must be constructed in such a manner that they will protect the animal and not create a health risk or public nuisance. The building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized. Floors shall be made of durable, nonabsorbent material.

(12) Primary enclosures. Primary enclosures shall:

- (A) be structurally sound and maintained in good repair;
 - (B) provide convenient access to clean food and water;
 - (C) enable the animal to remain dry and clean;
 - (D) be constructed and maintained so that the surfaces are impervious to moisture and may be readily sanitized;
 - (E) be constructed so as to protect the animal's feet and legs from injury;
- and
- (F) provide sufficient space to allow each animal to turn around fully, stand, sit, and lie in a comfortable position.

(b) Feeding.

(1) All food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition, size, and age of the animal.

(2) Dogs and cats shall be fed at least once a day, except as directed by a veterinarian.

(3) Domestic ferrets shall have continuous access to food.

(4) All other animals shall be fed appropriately as described on the packaging of a commercial, species-specific food or as directed by a veterinarian.

(5) Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Food receptacles shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding or, for domestic ferrets, after 24 hours of use. Self feeders may be used for feeding dry foods to animals acclimated to their use.

(c) Watering. If potable water is not accessible to all animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a veterinarian. Drinking bottles may be used for animals acclimated to their use. Domestic ferrets shall have potable water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) Sanitation.

(1) Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the inhabitants, but not less than daily.

(2) Sanitation of primary enclosures. Cages, rooms, and pens shall be maintained in a sanitary condition.

(3) Building and premises. Building and premises shall be kept clean.

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained. The facility shall be free of visible signs of insects, rodents, and other vermin infestations at all times.

(f) Outdoor facilities are acceptable under this section provided those facilities meet all the requirements of this section.

(g) This section applies to all animal shelters located in counties with a population of 75,000 or greater as required by the Texas Health and Safety Code, Chapter 823, and to all quarantine or impoundment facilities regardless of county population.

§169.27. Quarantine Method and Testing

(a) When a dog, cat, or domestic ferret which has bitten a human has been identified, the custodian will place the animal in quarantine as defined in the Texas Health and Safety Code, §826.002, until the end of the 10-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative, the local rabies control authority may allow home confinement. If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides. The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret is to have the animal humanely killed in such a manner that the brain is not damaged and a suitable specimen (head with brain intact or brain) submitted to a department-designated laboratory for rabies testing as specified in subsection (h) of this section. To allow home confinement, the following criteria must be met.

(1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.

(2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.

(3) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.

(4) The animal was not a stray as defined in the Texas Health and Safety Code, §826.002, at the time of the potential exposure.

(b) A domestic animal which has potentially exposed a human and has been designated by the local rabies control authority as unowned may be humanely killed. A suitable specimen shall be submitted for rabies testing as specified in subsection (h) of this section.

(c) If the animal implicated in the potential exposure is a high-risk animal, it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(d) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(e) The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(f) If the animal implicated in the potential exposure is not included in subsection (a), (b), (c), (d), or (e) of this section, the animal will be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic, or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to killing and testing. If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides.

(g) Any animal required to be quarantined under this section, which cannot be maintained in secure quarantine, shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(h) All laboratory specimens referred to in subsections (a)-(g) of this section shall be submitted in accordance with §169.33 of this title (relating to Submission of Specimens for Laboratory Examination).

(i) At the discretion of the local rabies control authority, assistance animals may not be required to be placed in quarantine (to include confinement) during the observation period.

(j) Police service animals are exempted from quarantine per the Texas Health and Safety Code, §826.048, including confinement.

(k) Animals should not be vaccinated against rabies during the observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.

§169.28. Requirements of a Quarantine Facility

(a) Quarantine procedures.

(1) A quarantine facility shall have and use written standard operating procedures (SOP) specific for that facility to ensure effective and safe quarantine procedures. The SOP shall be posted in the quarantine facility, or otherwise be readily available to all employees in the quarantine facility, and adhered to by each employee.

(2) An animal being quarantined because it may have exposed a human to rabies must be maintained in a primary enclosure, separated from all other animals by a solid partition so that there is no possibility of physical contact between animals. An empty chamber between

animals is not an acceptable alternative. To prevent rabies transmission, handling of quarantined animals shall be minimized and carried out in a manner that avoids physical contact of other animals and people with the saliva of quarantined animals. Individuals handling quarantined animals should utilize appropriate personal protective equipment. To prevent escape, the primary enclosure must be enclosed on all sides, including the top. Quarantine cages, runs, or rooms must have "Rabies Quarantine" signs posted.

(b) Facilities planning. Any entity desiring to construct a quarantine facility shall submit plans to the department for review prior to beginning construction.

(c) Inspection requirements of quarantine facilities.

(1) It will be the responsibility of the department to inspect all quarantine facilities, including those operated by government contractors. The inspection of the premises will be accomplished during ordinary business hours. All deficiencies will be documented in writing. Those that are of sufficient significance to affect the humane care or security of any animal housed within the facility must be corrected within a reasonable period of time.

(2) The inspections will be accomplished annually or more frequently when significant discrepancies have been identified. Any facility that does not achieve acceptable standards will not be licensed for rabies quarantine operations.

(3) The quarantine facility manager has the right to appeal the results of the inspection. If the opinion of management of the quarantine facility is in conflict with the inspection, he or she may request a review of the inspection by the manager of the department's Zoonosis Control Branch. The appeal listed in this paragraph will be made in writing through the regional director's office of the health service region in which the quarantine facility is located.

§169.29. Vaccination Requirement

(a) The custodian (excluding animal shelters as defined in the Texas Health and Safety Code, §823.001) of each dog or cat shall have the animal vaccinated against rabies by 16 weeks of age. The animal must be vaccinated by or under the direct supervision of a veterinarian with rabies vaccine licensed by the United States Department of Agriculture for that animal species at or after the minimum age requirement and using the recommended route of administration for the vaccine. The attending veterinarian has discretion as to when the subsequent vaccination will be scheduled as long as the revaccination due date does not exceed the recommended interval for booster vaccination as established by the manufacturer or vaccination requirements instituted by local ordinance. The custodian shall retain each vaccination certificate until the animal receives a subsequent booster. Livestock (especially those that have frequent contact with humans), domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

(b) An official rabies vaccination certificate shall be issued for each animal by the veterinarian responsible for administration of the vaccine and contain the following information:

- (1) custodian's name, address, and telephone number;
- (2) animal identification – species, sex (including neutered if applicable), approximate age, size (pounds), predominant breed, and colors;
- (3) vaccine used – product name, manufacturer, and serial number;
- (4) date vaccinated;
- (5) revaccination due date;
- (6) rabies tag number if a tag is issued;
- (7) veterinarian's signature, signature stamp, or computerized signature, plus address and license number.

(c) Each veterinarian who issues a rabies vaccination certificate, or the veterinary practice where the certificate was issued, shall retain a readily retrievable copy of the certificate for a period of not less than two years after the revaccination due date.

(d) If a veterinarian ceases the practice of veterinary medicine, the duplicate rabies vaccination certificates retained by that practice shall be turned over to the local rabies control authority. This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

§169.30. Disposition of Domestic Animals Exposed to Rabies

(a) Not currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:

- (1) humanely killed; or
- (2) immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.

(b) Currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:

- (1) humanely killed; or
- (2) immediately given a booster rabies vaccination and placed in confinement for 45 days.

(c) These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.

(d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled Compendium of Animal Rabies Prevention and Control, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

§169.31. Interstate Movement of Dogs and Cats into Texas

Each dog and cat 12 weeks of age or older to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an initial vaccination was administered less than 30 days prior to arrival, the custodian should confine the dog or cat for the balance of the 30 days. Additionally, documentation must be provided by a vaccination certificate showing the date of vaccination, vaccine used, and signature of the veterinarian responsible for administration of the vaccine. If the dog or cat is less than 12 weeks of age, the custodian should confine the animal until 30 days subsequent to its initial vaccination.

§169.32. International Movement of Dogs and Cats into Texas

The federal government regulates the entry of pets into the United States; requirements set forth in this section are in addition to meeting federal requirements. Each dog and cat 12 weeks of age or older to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an initial vaccination was administered less than 30 days prior to arrival in the United States, the custodian must confine the dog or cat for the balance of the 30 days. Additionally, documentation must be provided by a vaccination certificate showing the date of vaccination, vaccine used, and signature of the veterinarian responsible for administration of the vaccine. If the dog or cat is less than 12 weeks of age, the custodian must confine the animal until 30 days subsequent to its initial vaccination.

§169.33. Submission of Specimens for Laboratory Examination

Preparation of specimens either for shipment or for personal delivery for rabies diagnosis shall include the following.

- (1) Damage to the brain caused by shooting or other traumatizing procedures shall be avoided.
- (2) The head of the suspect animal shall be separated from the body by a qualified person as soon as possible after the death of the animal. Only the head shall be submitted with the exception that whole bats and small rodents may be submitted. If only the brain is submitted rather than the entire head, the minimum tissue requirements for rabies testing are a complete transverse cross section of the brain stem and tissue from one of the following: cerebellum or hippocampus. Submissions that do not meet these tissue requirements will be considered unsatisfactory due to a lack of sufficient material.

(3) The specimen shall be immediately chilled to between 32 degrees Fahrenheit and 45 degrees Fahrenheit either in a refrigerator or by packing for shipping with sufficient amounts of refrigerants in the container; the specimen should not be frozen. When shipping, sufficient refrigerant shall be added so the specimen will remain chilled for a minimum of 48 hours. Do not use dry ice. Gel packs or similar refrigerants are recommended. Ice is not recommended.

(4) If specimens are shipped, containment in compliance with requirements in the Code of Federal Regulations (CFR), Title 49, shall be used for packing. Packing methods shall prevent leakage and provide for proper identification (such as an identification number) of the specimen.

(5) A completed department Form G-9, Rabies Submission Form, which is available at the department's Laboratory Services Section, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756, is required for each specimen submitted to the department's Laboratory Services Section. Each form must contain the same identification information provided with the specimen as stated in paragraph (4) of this section. Submission form(s) shall be contained in a water-proof bag.

(6) Labeling on the outside of the shipping container shall be legible and include:

(A) name, address, and telephone number of the laboratory;

(B) name, return address, and telephone number of the shipper;

(C) language in compliance with requirements in the CFR, Title 49, pertaining to the shipment of infectious substances for diagnostic purposes; and

(D) the following information: "RABIES IDENTIFICATION TEAM, LABORATORY SERVICES SECTION - REFRIGERATE ON ARRIVAL."

(7) The following procedures are required for shipment:

(A) shipment shall be by bus or other reliable carrier; the department does not recommend the United States Postal Service. If an overnight carrier is used, such as United Parcel Service (UPS) or Federal Express, ship the specimen such that it will arrive by Friday or delay shipment until Monday. These services do not deliver to the department on the weekend;

(B) a shipping receipt will be obtained and retained by the shipper;

(C) at the time of the shipment, the shipper shall telephone the laboratory and notify laboratory personnel of the shipment; and

(D) the shipper shall provide the return postage (in the form of stamps, not money) if return of the shipping container is desired.

(8) Paragraphs (5) and (6) of this section apply to specimens submitted to the department's Laboratory Services Section. The appropriate form, labeling instructions, and shipping requirements for another department-designated laboratory can be obtained by

contacting that laboratory; a list of these laboratories with their contact information will be maintained on the department's website.

§169.34. Statewide Quarantine

(a) Declaration. The Executive Commissioner of the Health and Human Services Commission (HHSC) declares a statewide rabies quarantine.

(1) Statewide quarantine. The area is defined by the borders of the State of Texas.

(2) It is illegal to transport animals subject to the statewide rabies quarantine from, to, or within the State of Texas.

(3) Animals subject to the statewide rabies quarantine include any live species of foxes indigenous to North America, coyote (*Canis latrans*), or raccoon (*Procyon lotor*).

(4) Transport exceptions. Animals subject to the statewide rabies quarantine may be transported by peace officers and individuals hired or contracted by local, state, or federal government agencies to deal with stray animals when such transport is a part of their official duty. These animals may also be transported by employees of zoos or other institutions accredited by the American Association of Zoological Parks and Aquariums when such transport is part of their official duty. If an exempt individual transports such animals for release, the animals must be released within a ten-mile radius or within ten miles of the city limits of where they were originally captured.

(b) Executive Commissioner of the HHSC's designee. The Executive Commissioner of the HHSC's designee is the commissioner of the Department of State Health Services, whom the Executive Commissioner of the HHSC appoints to act as his or her designee as described in the Texas Health and Safety Code, §826.045.

(c) Special provisions for raccoons. In addition to the transport exceptions listed in subsection (a)(4) of this section, the following individuals may transport raccoons:

(1) rehabilitators permitted by the Texas Parks and Wildlife Department may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured;

(2) pest control operators licensed by the Structural Pest Control Board may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured; and,

(3) educators permitted by the Texas Parks and Wildlife Department for educational display.

(d) Rehabilitation of animals. Except for raccoons, rehabilitation of animals listed in subsection (a)(3) of this section is prohibited.