

RABIES AND ANIMAL CONTROL ORDER

WHEREAS, the danger of rabies presents a significant threat to public health and safety, it is the desire of this Court to establish regulations regarding the control of this deadly disease;

WHEREAS, the Texas Health and Safety Code 826.013, 826.014, and 826.031, provide the authority for such regulations, and

IT IS THEREFORE ORDERED that the Kerr County Rabies and Animal Control Order is enacted and adopted as follows:

SECTION 1. DEFINITIONS.

As used in this Order:

- (a) “Animal” means any live or dead mammal, domesticated or wild.
- (b) “Animal Establishment” means any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by governmental agencies, or licensed animal dealers regulated by the United States Department of Agriculture under the provision of US Public Laws 89-544 and 91-579.
- (c) “Animal Shelter” means a facility designated or recognized by the Jurisdiction for the purpose of impounding and caring for animals.
- (d) “Bite” means any puncturing or tearing of the skin caused by an animal.

- (e) “Cat” means *Felis catus*, whether live or dead.
- (f) “Custodian” means any person or agency, which feeds, shelters, harbors, or has possession or control, or has the responsibility to control an animal.
- (g) “Dog” means *Canis familiaris*, whether live or dead.
- (h) “Harboring,” means the keeping and caring for an animal, or providing a premises to which the animal returns for food, shelter or care.
- (i) “High risk animals” are those animals which have a high probability of transmitting rabies. They include skunks, bats, foxes, raccoons, or such other animals that may be so designated by order of the Local Health Authority.
- (j) “Humanely killed” means to cause the death of an animal by a method which is not prohibited by 823.006 of the Texas Health and Safety Code and:
 - (1) rapidly produces unconsciousness and death without visible evidence of pain or distress; or
 - (2) utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.
- (k) “Kennel” means an establishment kept for the purpose of breeding and or selling of dogs or cats or engaged in training dogs or cats.
- (l) “Local Health Authority” means the person or officer designated by this Court under 826.017 of the Texas Health and Safety Code.

- (m) “Low risk animal” is one that has a low risk of transmitting rabies. They include opossums, shrews, moles, squirrels, gophers, mice, rabbits, rats, and armadillos or such other animals that may be so designated by order of the Local Health Authority.
- (n) “Neutered” means rendered permanently incapable of reproduction.
- (o) “Owner” means any person, corporation, of other entity which has a legal or possessory interest in an animal.
- (p) “Pet Shop” means an establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.
- (q) “Quarantine” means strict confinement of an animal specified in an order of the Texas Board of Health or the Local Health Authority:
 - (1) on the private premises of the animal’s owner or custodian or at a facility approved by the Local Health Authority; and
 - (2) under restraint by closed cage or paddock, or in any other manner approved by the Local Health Authority.
- (r) “Rabies” means that infectious acute viral disease of man and animal affecting the central nervous system and usually transmitted by animal bite.
- (s) “Stray” means roaming with no physical restraint beyond the premises of an animal’s owner or custodian.
- (t) “Unowned animal” means any animal for which an owner has not been identified.

- (u) “Vaccinated” means properly inoculated with a rabies vaccine, licensed for use in the species by the United States Department of Agriculture by a licensed veterinarian.
- (v) “Veterinarian” means any veterinarian who is licensed to practice medicine in one or more of the 50 states. Such license must be active and in good standing with the issuing agency.

SECTION 2 – RABIES CONTROL AND ERADICATION.

SECTION 2.1 – VACCINATIONS.

2.1.1 – VACCINATIONS REQUIRED.

- (a) The owner or custodian of each dog or cat shall have the animal vaccinated against rabies by the time the animal is four (4) months of age and within each subsequent thirty-six (36) month interval thereafter.
- (b) No such vaccination shall be considered current of valid unless:
 - (1) The animal was at least three (3) months of age at the time the vaccination was administered;
 - (2) At least thirty (30) days have elapsed since the initial vaccination; and
 - (3) Not more than thirty six (36) months have elapsed since the most recent vaccination.

2.1.2 – CERTIFICATE OF VACCINATION.

- (a) A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's owner an official rabies vaccination certificate upon a form furnished by the veterinarian.
- (b) The issuing veterinarian shall retain a copy of the official rabies vaccination certificate in a readily reviewable status for a period of not less than three (3) years from the date of issuance.
- (c) The official rabies vaccination certificate shall contain the following minimum information:
 - (1) the owner and/or custodian's name, address, and telephone number,
 - (2) animal identification:
 - (a) species,
 - (b) sex,
 - (c) age,
 - (d) weight, in pounds
 - (e) predominant breed, and
 - (f) colors;
 - (3) vaccine used:
 - (a) type,
 - (b) producer,
 - (c) expiration date, and
 - (d) serial number;
 - (4) date vaccinated;
 - (5) rabies tag number and year issued;
 - (a) Veterinarian's signature and license number.

2.1.3 – RABIES TAG

- (a) Concurrent with the issuance and delivery of the official rabies vaccination certificate referred to in Section 2.1.2, the custodian or owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat, a metal tag, serially numbered to correspond with the official rabies vaccination certificate number, and bearing the year of issuance, the name of the issuing veterinarian, and his address.
- (b) In the event of loss or destruction of the original tag provided for in Section 2.1.3, the owner of the dog shall obtain a duplicate tag. Such tags shall indicate that it is a duplicate tag.

2.1.4 – PENALTIES

- (a) A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies as provided for in this section.
- (b) An offense under this section is a Class C misdemeanor.

SECTION 2.2 – REPORTS

2.2.1 – REPORTS OF RABIES

- (a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Local

Health Authority as soon as possible, but not later than 24 hours from the time of the incident.

- (b) The report must include:
 - (1) the name and address of the victim and of the animal's owner, or custodian if known; and
 - (2) any other information that may help in locating the victim or animal.
- (c) The Local Health Authority shall investigate each report filed under this section, utilizing the standardized reporting forms prescribed by the Texas Department of Health.

SECTION 2.3 – QUARANTINE AND TESTING

2.3.1 – QUARANTINE OR TESTING REQUIRED

- (a) The owner or custodian of an animal shall submit an animal for quarantine or testing if:
 - (1) the animal is reported to be rabid or that it has bitten or otherwise exposed an individual or animal to rabies; or
 - (2) the owner knows or suspects that the animal is rabid or that it has bitten or otherwise exposed an individual or animal to rabies.
- (b) If the animal becomes ill during the observation period, the Local Health Authority must be notified by the person having possession of the animal.
- (c) Any animal required to be quarantined under this section which cannot be maintained in a secure quarantine, shall be humanely killed and the brain tested for rabies.

2.3.2 – BITING ANIMALS

- (a) A dog or cat which has bitten a human shall be placed in quarantine for ten (10) days. This 10-day observation period will begin on the day of the bite incident.
 - (1) If such dog or cat has been designated by the Local Health Authority as unclaimed, it may be humanely killed and tested for rabies.
- (b) No quarantine is authorized for high-risk animals that have bitten a person or animal. Those animals shall be humanely killed and their brains submitted for rabies testing as provided for herein.
- (c) No quarantine or testing is required for low risk animals that have bitten a person or animal unless the Local Health Authority has cause to believe the biting animal is rabid, in which case the animal shall be humanely killed and tested for rabies as provided for herein.
- (d) If the biting animal is not included in (a), (b), or (c) of this section, the biting animal shall be humanely killed and the brain tested for rabies. The Local Health Authority may, however, as an alternative method to killing and testing, authorize a thirty (30) day observation period.
- (e) The Local Health Authority may require an animal, which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely killed and the brain tested for rabies.

2.3.3 – EXPOSED ANIMALS

- (a) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:
 - (1) humanely killed; or
 - (2) if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for ninety (90) days, and given booster vaccinations during the third and eighth weeks of isolation. If the animal is under three months of age at the time of the second vaccination, an additional booster should be given when the animal reaches three months of age.
- (b) Currently vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be:
 - (1) humanely killed; or
 - (2) if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in strict isolation for 45 days.
- (c) These provisions apply only to domesticated animals for which approved rabies vaccine is available. Other animals shall be humanely killed.

2.3.4 – QUARANTINE FACILITY

- (a) Where home quarantine is not approved or requested, the owner, custodian, or Local Health Authority shall take possession of an animal that meets the criteria set forth in sections 2.2.1, 2.3.1, 2.3.2, or 2.3.3, and shall ensure that the animal is placed in a facility.
 - (1) That meets the standards of the Texas Department of Health; and
 - (2) Has, within the preceding twelve (12) months, been inspected by the Texas Department of Health and has been found by the Department to have met acceptable standards.
 - (3) That keeps such accurate records as may be determined to be necessary by the Commissioner's Court.

2.3.5 – HOME QUARANTINE

- (a) The Local Health Authority may grant an owner or custodian permission for home quarantine if, in that officer's discretion, the following criteria can be met:
 - (1) Secure facilities are available at the home of the animal's owner or custodian and are approved by the Local Health Authority;
 - (2) The animal is currently vaccinated against rabies, and
 - (3) The animal was not a stray at the time of the bite.

- (b) The Local Health Authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period.

2.3.6 – SUBMISSION OF SPECIMENS FOR LABORATORY EXAMINATION

- (a) Preparation of specimens either for shipment or for personal delivery for rabies diagnoses shall be in accordance with the requirements of the Texas Department of Health.

2.3.7 – RELEASE OR DISPOSITION OF QUARANTINE ANIMAL

- (a) If a veterinarian determines that a quarantined animal does not show the clinical signs for rabies, the Local Health Authority shall release the animal to its owner or custodian when the quarantine period ends if:
 - (1) all costs of quarantine, observation, vaccination, and other fees, have been paid, and
 - (a) the owner has a unexpired rabies vaccination certificate for the animal; or
 - (b) the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.
 - (2) the animal is registered as required by 3.1.
- (b) If a veterinarian determines that a quarantined animal shows clinical signs of rabies, the Local Health Authority shall humanely kill the animal. If an animal dies or is destroyed

while in quarantine, the Local Health Authority shall remove the head or brain of the animal and submit it for testing at the owner's expense.

- (c) No animal may be released from quarantine or observation without written order of the Local Health Authority.

2.3.8 – PAYMENT FOR QUARANTINE AND TESTING

- (a) The owner of an animal that is quarantined or tested for rabies under the Order shall pay to the Local Health Authority the reasonable costs of the quarantine, testing, and disposition of the animal. The Local Health Authority may bring suit to collect those costs.
- (b) The Local Health Authority may sell the animal and retain the proceeds of keep, grant, or humanely kill an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period. All costs and fees set out in (a) above shall be paid before an owner or custodian may take possession of an animal. No act of the Local Health Authority shall relieve the owner from liability for reasonable costs of keeping, quarantining, testing, and/or disposition of the animal.

SECTION 3. REGISTRATION OF DOGS AND CATS

3.1 REGISTRATION REQUIRED

- (a) The owner or custodian of each dog or cat shall register each such dog and cat as provided in this section.
- (b) In order to register a dog or cat under this section, the owner must:
 - (1) File the official rabies vaccination certificate with the Local Health Authority as provided in Section 2.1.2
 - (2) Pay the applicable registration fee set out in Appendix A.
- (c) It is the responsibility of the owner to ensure that the official rabies vaccination certificate has been filed and the registration fee paid.
- (d) Animal establishments, kennels, and pet shops are exempt from the registration requirements if:
 - (1) Such establishment is operating under a business name and possesses a sales tax permit, and
 - (2) The animal is held solely for the purpose of sale in connection with the breeder's business. Animals held for any other purpose are not exempt from registration.
 - (3) Pay an "Establishment Fee" as set out in Appendix A.
- (e) Animal shelters shall not be required to register any animal in their possession, but shall be required to pay fees associated with rabies vaccination.
- (f) Registration is required as follows:
 - (1) Animals are required to be registered annually.

- (2) Animal Establishments must pay the “Establishment Fee” each year, in lieu of registration.

3.2 PENALTIES

- (a) A person commits an offense if:
 - (1) the person fails or refuses to register or present for registration a dog or cat owned by that person.
- (b) An offense under this section is a Class C misdemeanor.
- (c) It is not a defense to prosecution under this section that the veterinarian issuing the official rabies vaccination certificate failed to file the certificate or forward the registration fees to the Local Health Authority.

SECTION 4. RESTRAINT, IMPOUNDMENT, AND DISPOSITION OF STRAY DOGS AND CATS.

4.1 RESTRAINT REQUIRED

- (a) The owner or custodian of each dog or cat shall restrain the animals and prevent them from running at large.
- (b) Each unrestrained, unowned, or stray dog or cat is hereby declared a public nuisance.
- (c) For purposes of the section, “restrained” shall mean that the dog or cat is:
 - (1) physically restrained by a leash, fence, pen, or other device,

- (2) physically located on the property of the owner or custodian, or supervised by and under the direct control of the owner or custodian.

4.2 PENALTY

- (a) A person commits an offense if:
 - (1) the person fails or refuses to restrain a dog or cat owned by the person.
- (b) An offense under this section is a Class C misdemeanor.

4.3 DETENTION AND IMPOUNDMENT AUTHORIZED

- (a) Each unrestrained, unowned, or stray dog or cat may be detained or impounded by the Local Health Authority or that officer's designee.
- (b) Each unrestrained, unowned, or stray dog or cat shall be impounded for a period of no less than forty-eight (48) hours unless earlier claimed by its owner. A reasonable effort shall be made to contact the owner or custodian prior to any disposition of the animal.
- (c) No dog or cat shall be released to an owner or a custodian unless:
 - (1) the animal has a current rabies vaccination,
 - (2) has been properly registered in accordance with this Order, and

- (3) all applicable impoundment fees, as set forth in Appendix A, have been paid.
- (d) An animal that does not satisfy the requirement for release under (c) above shall be considered unclaimed.
- (e) Upon the expiration of the impoundment period provided in (b), above, a humane disposition shall be made of each unclaimed stray dog or cat.
 - (1) Humane disposition includes the destruction of such dog or cat provided that the animal is humanely killed and any of the methods that would be available to the Local Health Authority under 2.3.8(b).

SECTION 5. ADOPTION

5.1 ADOPTION AUTHORIZED

- (a) Any animal that is unclaimed or whose owner or custodian has refused to pay the fees required by this Order may be adopted if:
 - (1) the animal has been neutered,
 - (2) all costs associated with impoundment have been paid,
 - (3) the animal has a current rabies vaccination,
 - (4) the animal has been registered as provided for in the Order,
 - (5) all applicable fees required by this Order have been paid.

SECTION 6. PENALTIES

6.1 - CLASS C MISDEMEANOR

- (a) A violation of the provisions of this Order is a Class C misdemeanor.