



Animal Shelter Advisory Committee

1/16/2025

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on January 16, 2025 at 12:00 PM at McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Public Comment

Members of the public may raise issues or concerns not listed on the Regular Agenda during this time. To participate, please sign in before the meeting begins. Speakers will be called in the order they signed in. When speaking, citizens must address all comments to the dais, begin by stating their name and address or Single Member District number, and limit their remarks to three minutes or less.

3. Consent Agenda

- a. Consider approving the October 17, 2024 Animal Shelter Advisory Committee regular meeting minutes (Morgan Chegwidden)
- b. Consider accepting non-negative rabies specimens for 2024 (Morgan Chegwidden)
- c. Consideration of monthly shelter performance for October 2024 (Morgan Chegwidden)
- d. Consideration of monthly shelter performance for November 2024 (Morgan Chegwidden)
- e. Consideration of monthly shelter performance for December 2024 (Morgan Chegwidden)

4. Regular Agenda

- a. Consider election of a chairperson and a vice-chairperson to terms ending January 2025 (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden)
- b. Discussion and possible action on state and local requirements for the animal shelter (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden).
- c. Discussion and consideration of amendments to the nuisance animal ordinance (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden)

5. Follow Up and Administrative Issues

6. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 13th day of January 2025, at 12:00 p.m.



Morgan Chegwidden, Assistant Director
Neighborhood & Family Services

All agenda items are subject to action. The Animal Shelter Advisory Committee reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the Assistant Director Neighborhood & Family Services at 325-657-4225, or the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Consent Item

Caption:

Consider approving the October 17, 2024 Animal Shelter Advisory Committee regular meeting minutes (Morgan Chegwidden)

Summary/History:

Attached are the draft minutes for the committee's consideration.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|----------------|---------------------|
| 1. | 241017 Minutes | 241017 Minutes.docx |
|----|----------------|---------------------|

Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval



**City of San Angelo, Texas
Animal Shelter Advisory Committee Minutes
October 17, 2024**

Present:

Dr. Victor Schulze, Mayoral Representative
Chrysanthemum Cohen, SMD1
Jen Murphy, SMD2
Judge Penny Roberts, SMD3
Rodger Horton, SMD4
Bambi Aker, SMD5
Morgan Chegwidden, SMD6

1. Call to Order/Roll Call to Establish Quorum

With a quorum of the committee members present, Chairperson Victor Schulze called the regular meeting Animal Shelter Advisory Committee to order at 12:02 p.m. on October 17, 2024 at McNease Convention Center – South Meeting Room, 501 Rio Concho Drive San Angelo, Texas, for the purpose of considering the following agenda items.

2. Public Comment

No public comment was made.

3. Consent Agenda

- a. Consider approving the August 15, 2024 Animal Shelter Advisory Committee regular meeting minutes.
- b. Consideration of monthly shelter performance for August 2024.
- c. Consideration of monthly shelter performance for September 2024.

MOTION: Committee member Murphy made a motion, seconded by Committee member Schulze, to approve the Consent Agenda. The motion carried unanimously seven (7) ayes to zero (0) nays.

4. Regular Agenda

- a. Committee member orientation.

A presentation was made by Assistant City Attorney Kathleen Dabbert. No action was taken on this item.

5. Follow Up and Administrative Issues

- a. Discussion and possible action related to 2025 meeting dates.

MOTION: Committee member Murphy made a motion, seconded by Committee member Cohen, to meet bimonthly. The motion carried five (5) ayes to two (2) nays.

6. Adjournment

MOTION: Committee member Murphy made a motion, seconded by Committee member Aker, to adjourn. The motion carried unanimously seven (7) ayes to zero (0) nays. The meeting was adjourned at 12:37 p.m.

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Consent Item

Caption:

Consider accepting non-negative rabies specimens for 2024 (Morgan Chegwidden)

Summary/History:

This agenda item serves to update you on the non-negative rabies specimens that we collected last year. Two specimens tested positive or inconclusive since our last report.

Specimen 4345 - positive

Bat

October 14, 2024

1300 Whitney St.

No human exposure, pet dog exposure

Pet dog received vaccine boosters and successfully completed home isolation.

Specimen 4353 - inclusive

Dog

November 7, 2024

Unit block of Cloud St.

Human exposure

Bite victim referred to Department of Health State Services for further guidance.

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Morgan Chegwidden

Kathleen Dabbert

Created/Initiated

Final Approval

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Consideration of monthly shelter performance for October 2024 (Morgan Chegwidden)

Summary/History:

214 new animals arrived at the shelter during October. 98 were adopted/transferred, 40 were redeemed by their owner, 13 wildlife were released, 40 were deceased and 308 were in custody at month end.

Animal Services' live release rate was 79.06%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Consideration of monthly shelter performance for November 2024 (Morgan Chegwidden)

Summary/History:

147 new animals arrived at the shelter during November. 97 were adopted/transferred, 35 were redeemed by their owner, 6 wildlife were released, 35 were deceased and 266 were in custody at month end.

Animal Services' live release rate was 79.77%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Consideration of monthly shelter performance for December 2024 (Morgan Chegwidden)

Summary/History:

159 new animals arrived at the shelter during December. 102 were adopted/transferred, 37 were redeemed by their owner, 5 wildlife were released, 23 were deceased and 275 were in custody at month end.

Animal Services' live release rate was 86.23%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Consider election of a chairperson and a vice-chairperson to terms ending January 2025 (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden)

Summary/History:

As required by city ordinance 2.07, the animal shelter advisory committee shall select a chairperson and a vice-chairperson at the first meeting of each calendar year. The previous chairperson and vice-chairperson were Dr. Victor Schulze and Jen Murphy respectively.

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



Requestor: Morgan Chegwiddden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Discussion and possible action on state and local requirements for the animal shelter (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwiddden).

Summary/History:

Today's agenda item continues the orientation of the Animal Shelter Advisory Committee members' roles and responsibilities by discussing details of the state health code.

Texas Health and Safety Code 10.823 governs animal shelters.

- 823.001 Definitions

An animal shelter is a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

San Angelo Animal Services meets this definition by accepting and picking up dogs, cats, fowl, livestock, and wildlife.

- 823.002 Exemptions

This chapter does not apply to counties of less than 75,000 people, veterinary clinics, and livestock facilities.

San Angelo Animal Services is not exempt from this chapter.

- 823.003 Standards for Animal Shelters

Shelters comply with (1) housing and sanitation as mandated in Texas Health and Safety Code 10.826 and (2) the animal control officer training requirements of 10.829.

San Angelo Animal Services meets these standards and successfully passes state inspections consistently. More in depth discussion of these regulations is scheduled for later in this agenda item.

Shelters must also separate animals by species, sex, and size (unless related).

San Angelo Animal Services satisfies this requirement by housing cats in four specific rooms and dogs in five designated spaces. Animals are only co-housed if from the same household or littermates. If unaltered, neonatal cats and dogs are separated by four months of age or when sexually mature, whichever is first.

Shelters must not house healthy animals with sick or injured ones.
San Angelo Animal Services isolates and segregates sick and injured pets in their own kennels.

Shelters must submit to an annual inspection by a veterinarian to ensure compliance with this chapter 823 and chapter 829.

San Angelo Animal Services complies with an annual inspection conducted by a Department of State Health Services veterinary professional, most recently in March 2024.

The Health and Human Services Commission may require shelters to keep records of the disposition of animals.

San Angelo Animal Services maintains such records in accordance with the Texas State Library and Archives Commission's records retention schedule. Three year's history is retained on site. Files older than three years are eligible for destruction, however the City's pet management software holds records dating back to 2012.

Failure to comply with these regulations may constitute a Class C misdemeanor.

- 823.004 Microchip Scan Required

Shelters must scan animals upon intake to determine whether a microchip is implanted.
San Angelo Animal Services requires staff to scan for microchip twice - once immediately on intake, whether in the field or at drop off, and again when medically processed. Animals are also scanned a third time at departure when redeemed by owner or adopted/rescue transferred.

- 823.005 Advisory Committee

The municipality's governing body must appoint an advisory committee to assist in complying with these requirements. The committee must include one veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one animal welfare representative. The committee must meet at least three times annually.

The San Angelo City Council created the Animal Shelter Advisory Committee to include the required members as well as three citizen representatives by adopting local ordinance 2.07.13. The local ordinance further provides for the annual election of officers, membership terms, and other standards.

- 823.007 Injunction

A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

The city attorney would further advise if action was necessary.

- 823.008 Enforcement by County

A county may not enforce this chapter at an animal shelter operated by a municipality.
The city attorney would further advise if action was necessary.

- 823.009 Civil Penalty

A person who violates this chapter shall be assessed a civil penalty.
The city attorney would further advise if action was necessary.

Texas Health and Safety Code 10.826 governs rabies control.

- 826.001 Short Title

This chapter may be cited as the Rabies Control Act of 1981.

- 826.002 Definitions

Epizootic means the occurrence in a given geographic area of cases of a disease clearly in excess of expected frequency.

Quarantine means strict confinement of an animal specified in an order of The Department or its designee either (1) on the private premises of the animal's owner or at a facility approved by The Department or (2) under restraint by closed cage in any other manner approved by Department rule.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Stray means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

- 826.011 General Powers and Duties

The Department shall administer the rabies control program.

In the event of a non-negative rabies specimen, San Angelo Animal Services defers to DSHS on next steps.

- 826.012 Minimum Standards for Rabies Control

This chapter and the rules adopted by the executive commissioner under this chapter are the minimum standards for rabies control.

- 826.013 Municipalities May Adopt Chapter

The governing body of a municipality may adopt this chapter and the standards adopted by the executive commissioner.

- 826.014 Counties May Adopt Ordinances and Rules

Not applicable.

- 826.014 Municipalities May Adopt Ordinances or Rules

The governing body of a municipality may adopt ordinances that establish a local rabies control program in the municipality and set local standards that are compatible with and equal to or more stringent than the program established by this chapter and the department rules adopted under this chapter. Municipal ordinances or rules adopted under this section supersede ordinances or rules adopted by the county in which the municipality is located, this chapter, and the department rules adopted under this chapter within that municipality so that multiple enforcement will not occur.

The San Angelo City Council adopted local ordinance 3.01 to designate a local rabies control authority, require rabies vaccines, and provide procedures for persons bitten by a dog, cat, or other animal.

- 826.016 Contracts

The governing body of a municipality may enter into contracts with public or private entities to carry out the activities required or authorized under this chapter.

San Angelo Animal Services does not exercise this opportunity.

- 826.017 Designation of Local Rabies Control Authority

The governing body of each municipality shall designate an officer to act as the local rabies control authority for the purposes of this chapter. Except as restricted by department rule, the officer designated as the local rabies control authority may be the county health officer, municipal health officer, animal control officer, peace officer, or any entity that the governing body considers appropriate. Among other duties, the local rabies control authority shall enforce: (1) this chapter and the department rules that comprise the minimum standards for rabies control; (2) the ordinances of the municipality that the local rabies control authority serves; and (3) the rules adopted by the executive commissioner under the area rabies quarantine provisions of Section 826.045.

The San Angelo City Council assigned Assistant Director of Neighborhood & Family Services Morgan Chegwiddden as the local rabies control authority. She obtained her basic animal control certification and maintains continuing education to satisfy this requirement.

- 826.018 Local Rabies Control Programs

This section applies to a veterinarian who is employed by a municipality and supervises the administration of rabies vaccine as part of a local rabies control program established by a municipality under this chapter. A veterinarian described by this section is not required to establish a veterinarian-client-patient relationship before administering rabies vaccine or supervising the administration of rabies vaccine. To the extent of any conflict between this section and any other law or rule relating to the administration of rabies vaccine, this section controls.

San Angelo Animal Services does not currently exercise this service.

- 826.021 Vaccination of Dogs and Cats Required

The owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by Department rule. A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's owner a vaccination certificate.

San Angelo Animal Services requires a vaccination certificate from owners to prove compliance with this chapter.

- 826.0211 Confidentiality of Certain Information in Rabies Vaccination Certificate; Criminal Penalty

Information contained in a rabies vaccination certificate that identifies an owner or an address, telephone number, or other personally identifying information is confidential and not subject to disclosure under Chapter 552, Government Code.

The information may be disclosed only to a governmental entity that provides animal control services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

A person commits an offense if the person distributes information that is confidential under this section. San Angelo Animal Services refers all requests for information to the city clerk for a formal public information request where eligible information may be redacted.

- 826.022 Vaccination; Criminal Penalty

A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies and the animal is required to be vaccinated under Section 826.021 and ordinances adopted under this chapter by a municipality.

An offense under this section is a Class C misdemeanor.

If on the trial of an offense under this section the court finds that the person has been previously convicted of an offense under this section, the offense is a Class B misdemeanor.

San Angelo City Council adopted section 3.01.007 requiring all cats, dogs, and potbellied pigs within the city limits be vaccinated by the time the animal is four months of age, again at 12 months of age, and once every one- or three-years (if applicable) thereafter.

- 826.023 Use and Sale of Rabies Vaccine

Rabies vaccine for animals may be administered only by or under the direct supervision of a veterinarian. A veterinarian may not administer or directly supervise the administration of rabies vaccine in this state unless the person is licensed by the State Board of Veterinary Medical Examiners or practicing veterinary medicine on an installation of the armed forces.

A person may not sell or distribute rabies vaccine for animals to any person except a licensed veterinarian.

San Angelo Animal Services only deems rabies vaccines administered in this manner to be compliant. Rabies vaccines issued by international governments are not accepted. Rabies vaccines issued by other states would be submitted for legal review.

- 826.024 Use and Sale of Rabies Vaccine; Criminal Penalty

A person commits an offense if the person administers or attempts to administer rabies vaccine in a manner not authorized by Section 826.023; dispenses or attempts to dispense rabies vaccine in a manner not authorized by Section 826.023; or sells or distributes rabies vaccine for animals in violation of Section 826.023(c).

An offense under this section is a Class C misdemeanor.

San Angelo Animal Services refers such suspicions to the Department of State Health Services for investigation.

- 826.025 Provision of Vaccine and Serum

The department may provide vaccine and hyperimmune serum in accordance with department policies or procedures for the use and benefit of a person exposed, or suspected of having been exposed, to rabies.

In accordance with department rules and eligibility standards, the department is entitled to be reimbursed by or on behalf of the person receiving the vaccine or serum for actual costs incurred in providing the vaccine or serum.

San Angelo Animal Services connects people exposed to a non-negative specimen with the Department to arrange for appropriate medical support. If the patient's insurance does not immediately cover the expense or local clinics have no inventory, the Department provides the necessary care.

- 826.031 Registration of Dogs and Cats by Local Governments

The governing body of a municipality may adopt ordinances or rules under Section 826.014 or 826.015 requiring the registration of each dog and cat within the jurisdiction of the municipality. A dog or cat may not be subject to dual registration.

The enforcing agency may collect a fee set by ordinance for the registration of each dog or cat and may retain the fees collected.

- 826.0311 Confidentiality of Certain Information in Dog and Cat Registry; Criminal Penalty

Information that is contained in a municipal or county registry of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code.

The information may be disclosed only to a governmental entity that provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety.

A person commits an offense if the person distributes information that is confidential under this section.

- 826.032 Registration; Criminal Penalty

A person commits an offense if the person fails or refuses to register a dog or cat owned by the person; and the animal is required to be registered under the ordinances adopted under this chapter by a municipality within whose jurisdiction the act occurs. An offense under this section is a Class C misdemeanor

San Angelo City Council requires registration via microchip company through a firm of the owner's choice.

- 826.033 Restraint, Impoundment, and Disposition of Dogs and Cats

The governing body of a municipality may adopt ordinances to require that each dog or cat be restrained by its owner; each stray dog or cat be declared a public nuisance; each unrestrained dog or cat be detained or impounded by the local rabies control authority or that officer's designee; each stray dog or cat be impounded for a period set by ordinance or rule; and a humane disposition be made of each unclaimed stray dog or cat on the expiration of the required impoundment period.

San Angelo City Council adopted a restraint requirement for dogs and a free roam protection for cats. A future presentation will delve further into these topics.

- 826.034 Restraint; Criminal Penalty

A person commits an offense if the person fails or refuses to restrain a dog or cat owned by the person and the animal is required to be restrained under the ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs. Such violations are submitted through the municipal court.

- 826.041 Reports of Rabies

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 rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

The report must include the name and address of the victim and of the animal's owner, if known, and any other information that may help in locating the victim or animal. The local rabies control authority shall investigate a report filed under this section.

San Angelo Animal Services Officers investigate animal bites and scratches reported to this agency. A future presentation will delve further into this process.

- 826.042 Quarantine of Animals

The executive commissioner shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine. The local rabies control authority shall quarantine or test in accordance with department rules any animal that they have probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies.

An owner shall submit for quarantine an animal that is reported to be rabid or to have exposed an individual to rabies or the owner knows or suspects is rabid or has exposed an individual to rabies.

The owner shall submit the animal to the local rabies control authority of the municipality in which the exposure occurs.

At the time an owner submits for quarantine the suspect animal the local rabies control authority shall provide written notification to the animal's owner of the date the animal enters quarantine and the date the animal will be released from quarantine; obtain and retain with the animal's records a written statement signed by the animal's owner and local rabies control authority acknowledging that the information has been provided; and provide the animal's owner a copy of the signed statement.

The local rabies control authority shall identify each animal quarantined under this section with a placard on the animal's kennel that indicates the animal is quarantined.

San Angelo Animal Services Officers provide the necessary documents described here through their bite investigation. A future presentation will delve further into this process.

- 826.043 Release or Disposition of Quarantined Animal

If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the local rabies control authority shall release the animal to its owner when the quarantine period ends if the owner has an unexpired rabies vaccination certificate for the animal or the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

If a veterinarian determines that a quarantined animal shows signs of rabies, the local rabies control authority shall humanely euthanize the animal. If an animal dies while in quarantine, the local rabies

control authority shall remove the head of the animal and submit it to the nearest department laboratory for testing.

San Angelo Animal Services works with the City's contracted veterinarian through this process. Animal Services Officers are certified and trained to euthanize animals and obtain the specimen for testing. The biological sample is shipped overnight to the DSHS lab in Austin with results generally reported to us next day.

- 826.044 Quarantine; Criminal Penalty

A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine or presented for testing. An offense under this section is a Class C misdemeanor.

San Angelo Animal Services Officers may issue citation in person or via legal filing through the municipal court.

- 826.045 Area Rabies Quarantine

If rabies is known to exist in an area, the department or its designee may declare an area rabies quarantine to prevent or contain a rabies epizootic.

San Angelo Animal Services would only have a support role in this as the Department would be the primary agency to respond. We have responded in such circumstances in the past and the procedure can vary depending on the variables in each specific case.

- 826.046 Violation of Area Rabies Quarantine; Criminal Penalty

A person commits an offense if the person violates or attempts to violate a department rule adopted under Section 826.045 governing an area rabies quarantine. An offense under this section is a Class C misdemeanor.

- 826.047 Limitation on Liability

A veterinarian performing duties under this chapter is not liable to the owner of an animal for the death of or injury to the animal except in a case of willful misconduct or gross negligence.

- 826.048 Exemption from Quarantine Requirement for Police Service Animals

A police service animal is exempt from the quarantine requirement of this subchapter if the animal bites a person while the animal is under routine veterinary care or while the animal is being used for law enforcement purposes.

Local law enforcement officers generally notify San Angelo Animal Services Officers when a bite occurs. Although quarantine is exempt, ASO's still collect the current rabies vaccine certificate and bite victim information.

- 826.051 Minimum Standards for Quarantine and Impoundment Facilities

The executive commissioner shall adopt rules governing the types of facilities that may be used to quarantine animals.

Those details are stipulated in the annual inspection conducted by a DSHS veterinarian.

- 826.052 Inspections

An employee of the department, on the presentation of appropriate credentials to the local rabies control authority or the authority's designee, may conduct a reasonable inspection of a quarantine or impoundment facility at a reasonable hour to determine if the facility complies with the minimum standards adopted by the executive commissioner for those facilities; and the requirements for animal control officer training adopted under Chapter 829.

Historically, DSHS has inspected San Angelo Animal Services during the annual licensing but may do so at any time.

- 826.053 Hearing

A person aggrieved by an action of the department in amending, limiting, suspending, or revoking any approval required of the department by this chapter may request a hearing.

A hearing held under this section must be conducted in accordance with Chapter 2001, Government Code, and the department's formal hearing rules.

The city attorney would further advise on what action was necessary.

- 826.054 Suits to Enjoin Operation of Quarantine or Impoundment Facility

At the request of the commissioner, the attorney general may bring suit in the name of the state to enjoin the operation of a quarantine or impoundment facility that fails to meet the minimum standards established by this chapter and department rules.

The city attorney would further advise on what action was necessary.

- 826.055 Quarantine or Impoundment Facility; Criminal Penalty

A person commits an offense if the person operates a facility for quarantined or impounded animals that fails to meet standards for approval established by DSHS rules. An offense under this section is a Class C misdemeanor.

San Angelo Animal Services has successfully passed each annual inspection with no corrective action mandated.

Texas Health and Safety Code 10.829 governs animal control officer training.

- 829.001 Definitions

An animal control officer is a person who is employed to enforce laws relating to animal control and is not a peace officer.

San Angelo Animal Services meets this definition by budgeting for four animal services officers.

- 829.0015 Applicability of Chapter

Counties of less than 75,000 people may adopt exemption from this regulation.
San Angelo Animal Services is not exempt from this chapter.

- 829.002 Training Required

An animal control officer must complete a basic animal control course within one anniversary and obtain 30 hours of continuing education during each three-year period.

San Angelo Animal Services Officers obtain the basic animal control certification generally within three months of hire, but definitely within one year of onboarding. Such staff maintain record of continuing education by attending courses in-person and online. Course material includes rabies control, euthanasia certification, FEMA National Incident Management, chemical capture, and other specific subjects relevant to performing assigned work.

- 829.003 Training Courses

The Department of State Health Services prescribes the standards and curriculum for basic and continuing education animal control courses. The curriculum for both must include: state laws governing animal control and animal cruelty; animal health and disease recognition, control, and prevention; humane care and treatment of animals; standards for care and control of animals in an animal shelter; standards for the transportation of animals; procedures for capturing stray animals; first aid for injured animals; documentation of evidence and courtroom procedures for animal cruelty; animal shelter operations; spaying, neutering, microchipping, and adoption; communications and public relations; state and federal laws for possession of controlled substances and other medications; and any other topics. The Department shall determine satisfactory course completion, determine passing grades, and require full attendance. A basic animal control course must be at least 12 hours. The Department shall consult with the Texas Animal Control Association and other animal protection organizations.

San Angelo Animal Services Officers obtain the basic animal control certification through Department of State Health Services classes to ensure the course includes all mandated material.

- 829.004 Availability of Courses

The Department of State Health Services offers at least (1) two basic animal control courses and (2) twelve hours of continuing education each year per region.

San Angelo is in region 9/10 and generally has opportunity to attend courses in El Paso or Midland.

- 829.005 Fee

The Department may collect reasonable fees.

San Angelo Animal Services pays DSHS \$75.00 per student to attend basic animal control certification. Any continuing education we've attended has been free of charge.

- 829.006 Issuance of Certificate

The Department shall maintain training records and issue completion certificates.

San Angelo Animal Services receives a copy of these records and maintains them in each employee's personnel files in accordance with the Texas State Library and Archives Commission's records retention schedule.

- 829.007 Facility Certificate

The Department shall issue certificates to facilities inspected under Section 823.002 that comply with this section.

San Angelo Animal Services receives a copy of these records and maintains them in each employee's personnel files in accordance with the Texas State Library and Archives Commission's records retention schedule.

- 829.008 Payment of Fee

Discussed above.

- 829.009 Civil Remedy

A person may sue for injunctive relief to prevent or restrain a substantial violation of this chapter. The city attorney would further advise if action was necessary.

Financial Impact:

N/A

Other Information/Recommendation:

None at this time.

Attachments:

1.	Health and Safety Code 823	Health and Safety Code 823.pdf
2.	San Angelo, TX Code of Ordinances ASAC	San Angelo, TX Code of Ordinances ASAC.pdf
3.	826 State Health and Safety Code	826 State Health and Safety Code.pdf
4.	829 State Health and Safety Code	829 State Health and Safety Code.pdf
5.	San Angelo, TX Code of Ordinances 3.01.010	San Angelo, TX Code of Ordinances 3.01.010.pdf

Presentation:

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Jeffrey Tomlinson	Final Approval

HEALTH AND SAFETY CODE
TITLE 10. HEALTH AND SAFETY OF ANIMALS
CHAPTER 823. ANIMAL SHELTERS

Section 823.001. Definitions.

In this chapter:

(1) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.

(3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.

(4) "Department" means the Department of State Health Services.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1603, eff. April 2, 2015. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(120), eff. April 2, 2015.

Section 823.002. Exemption for Certain Counties, Clinics, and Facilities.

This chapter does not apply to:

(1) a county having a population of less than 75,000;

(2) a veterinary medicine clinic; or

(3) a livestock commission facility.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 280, eff. Sept. 1, 1991.

Section 823.003. Standards for Animal Shelters; Criminal Penalty.

(a) Each animal shelter operated in this state shall comply with the standards for:

(1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and

(2) animal control officer training adopted under Chapter 829.

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The executive commissioner of the Health and Human Services Commission may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 2, eff. September 1, 2007. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1604, eff. April 2, 2015.

Sec. 823.004. Microchip Scan Required.

As soon as practicable after an animal is placed in the custody of an animal shelter or a releasing agency as defined by Section 828.001, including an animal rescue organization, the shelter, agency, or organization shall scan the animal to determine whether a microchip is implanted in the animal.

Added by Acts 2021, 87th Leg., R.S., Ch. 136 (H.B. 604), Sec. 1, eff. September 1, 2021.

Section 823.005. Advisory Committee.

(a) The governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the requirements of this chapter.

(b) The advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(c) The advisory committee shall meet at least three times a year.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 823.007. Injunction.

A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 823.008. Enforcement by County.

(a) A county may enforce this chapter.

(b) This section does not authorize a county to establish standards for operating an animal shelter.

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 924 (H.B. 3004), Sec. 1, eff. June 19, 2009.

Section 823.009. Civil Penalty.

(a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more than \$500 for each violation and for each day of a continuing violation. This subsection does not apply at an animal shelter operated by a municipality.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

(1) injunctive relief to restrain the person from continuing the violation or threat of violation;

(2) the assessment and recovery of the civil penalty; or

(3) both injunctive relief and the civil penalty.

(d) A bond is not required in an action brought under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 924 (H.B. 3004), Sec. 1, eff. June 19, 2009.

DIVISION 1. - GENERALLY

Sec. 2.07.001 - Organization and procedure

Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

- (1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council. In the event of quorum concerns, should a board member's replacement not be appointed upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed.
- (2) *Attendance.* Any member who fails to attend at least two-thirds of the meetings in a rolling one-year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.
- (3) *Number of members.* Boards shall be composed of seven members.
- (4) *Compensation.* All members shall serve without compensation.
- (5) *Conflict of interest.*
 - (A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 of the Texas Local Government Code, as amended.
 - (B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.
 - (C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter, nor shall they have received a grant or assistance in the six months prior to their tenure.
 - 1) The member of the board;
 - 2)

A person related to a board member within the second degree by consanguinity or affinity;

- 3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer or director;
 - 4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer or director.
- (D) For a period equal to a term on the board, after accepting funds for an approved project, the following persons are ineligible to serve on any board/commission:
- 1) A person that has accepted funds for an approved project;
 - 2) A person related within the second degree by consanguinity or affinity to a person that has accepted funds for an approved project;
 - 3) A person who is an officer or director or in control of a legal entity that has accepted funds for an approved project;
 - 4) A person who is related within the second degree by consanguinity or affinity to an officer, director, or party in control of a legal entity that has accepted funds for an approved project.
- (E) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.
- (F) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.
- (6) *Election of officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.
- (7) *Meetings.* Each board shall meet as needed on a day to be selected by the commission and on other such occasions as may be called by the chairman or the City Council. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.
- (8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.
- (9) *Qualifications.* Members shall be at least 18 years of age and a resident of the city.
- (10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

- (11) *Removal.* Members may be removed at any time by a two-thirds vote of the city council without cause.
- (12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.
- (13) *Term.* The term of office for each member of the boards shall be two years.
- (14) *Term limit.*
 - (A) No member may serve more than three consecutive terms, not including an unexpired term. For the purposes of this article, the current number of terms held as of the date of passage of this article stands, with respect to established term limits.
 - (B) Reappointments. Members who term out of, or resign from, a position are eligible for reappointment after one year.
- (15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.
- (16) *Board Member Code of Conduct.*
 - (a) Board members must avoid behavior that could constitute an act of disorder or misbehavior. Specifically, they must avoid conduct that:
 - (1) Contravenes the act, associated regulations and any relevant administrative requirements, regulations, or ordinances of the City of San Angelo;
 - (2) Is improper or unethical;
 - (3) Is an abuse of power or otherwise amounts to misconduct;
 - (4) Causes, comprises or involves intimidation, harassment or verbal abuse;
 - (5) Causes, comprises or involves discrimination, disadvantage or adverse treatment to others;
 - (6) Causes, comprises or involves prejudice in the provision of a service to the community.
 - (b) Board members must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out the functions of their positions on the board.
 - (c) Board Members must always treat others with respect.
 - (d) Violations of Code of Conduct.
 - (1) Board members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council.
 - (2)

It is the responsibility of the mayor and council members to advise the city manager and city attorney of complaints against board members.

- (3) Any alleged violation(s) shall be brought up with the full council in executive session and/or a public meeting if requested by the board member.
- (4) Council may take action related to violations of this code of conduct. These actions can include but are not limited to: counseling the individual on the violations; recommending sanctions to consider in a public meeting; or removal from the position on the board.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18; Ord. No. 2019-110, § 1, 9-4-19; Ord. No. 2020-068, §§ 1, 2, 7-21-20; Ord. No. 2020-086, § 1(Exh. A), 9-29-20; Ord. No. 2022-040, § 1, 5-17-22)

Secs. 2.07.002—2.07.010 - Reserved

DIVISION 13. - ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 2.07.191 - Committee created

In accordance with the authority granted under Texas Health and Safety Code chapter 823, there is hereby created the animal shelter advisory committee.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.192 - Purpose

The committee shall perform the state law advisory committee functions contemplated in section 823.005 of the Health and Safety Code, as amended by rendering advice and assistance to the animal services manager regarding the city's compliance with the requirements of chapter 823 of the Health and Safety Code.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.193 - Composition

- (a) The committee shall consist of seven members which shall be designated as positions one through seven.
- (b) The members shall be appointed by the city council. The following membership criteria shall apply:
 - (1) Position one shall be filled by a veterinarian.
 - (2) Position two shall be filled by a municipal or county official.

- (3) Position three shall be filled by a person whose duties include the daily operation of an "animal shelter" as that term is defined in section 823.001 of the Health and Safety Code.
- (4) Position four shall be filled by a person who is an officer or employee of an animal welfare organization.
- (5) Positions five through seven shall be filled by residents of the city.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.194 - Terms

The members of the committee in positions one through three shall serve an indefinite term until a successor is duly appointed.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.195 - Removal of members

Members of the animal shelter advisory committee in positions four through seven may be removed for good cause by the city council after hearing.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.196 - Officers

At the first meeting of each calendar year, the members of the committee shall select a chairperson. The member serving in position two of the committee shall be the ex-officio secretary of the committee.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.197 - Meetings

The committee shall meet from time to time at the call of the chairperson, provided that the committee shall meet not less than three times per calendar year.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Secs. 2.07.198—2.07.205 - Reserved

**HEALTH AND SAFETY CODE
TITLE 10. HEALTH AND SAFETY OF ANIMALS
CHAPTER 826. RABIES**

SUBCHAPTER A. GENERAL PROVISIONS

Section 826.001. Short Title.

This chapter may be cited as the Rabies Control Act of 1981.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 826.002. Definitions.

In this chapter:

- (1) "Animal" means a warm-blooded animal.
- (2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(121), eff. April 2, 2015.
- (3) "Cat" means *Felis catus*.
- (4) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(121), eff. April 2, 2015.
- (5) "Department" means the Department of State Health Services.
- (6) "Dog" means *Canis familiaris*.
- (7) "Epizootic" means the occurrence in a given geographic area or population of cases of a disease clearly in excess of the expected frequency.
- (7-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (8) "Licensed veterinarian" means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.
- (9) "Quarantine" means strict confinement of an animal specified in an order of the department or its designee:
 - (A) on the private premises of the animal's owner or at a facility approved by the department or its designee; and
 - (B) under restraint by closed cage or paddock or in any other manner approved by department rule.

(10) "Rabies" means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

(11) "Stray" means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

(12) "Livestock" means an animal raised for human consumption or an equine animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 1, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1605, eff. April 2, 2015. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(121), eff. April 2, 2015.

[Sections 826.003 to 826.010 reserved for expansion]

SUBCHAPTER B. GENERAL POWERS AND DUTIES OF EXECUTIVE COMMISSIONER, DEPARTMENT, AND LOCAL GOVERNMENTS

Section 826.011. General Powers and Duties of Executive Commissioner and Department.

(a) The department or its designee, with the cooperation of the governing bodies of counties and municipalities, shall administer the rabies control program established by this chapter.

(b) The executive commissioner shall adopt rules necessary to effectively administer this chapter.

(c) The department or its designee may enter into contracts or agreements with public or private entities to carry out this chapter. The contracts or agreements may provide for payment by the state for materials, equipment, and services.

(d) Subject to any limitations or conditions prescribed by the legislature, the department or its designee may seek, receive, and spend funds received through appropriations, grants, or donations from public or private sources for the rabies control program established by this chapter.

(e) The department or its designee may compile, analyze, publish, and distribute information relating to the control of rabies for the education of physicians, veterinarians, public health personnel, and the public.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1607, eff. April 2, 2015.

Section 826.012. Minimum Standards for Rabies Control.

This chapter and the rules adopted by the executive commissioner under this chapter are the minimum standards for rabies control.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1608, eff. April 2, 2015.

Section 826.013. Counties and Municipalities May Adopt Chapter.

The governing body of a municipality or the commissioners court of a county may adopt this chapter and the standards adopted by the executive commissioner.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1609, eff. April 2, 2015.

Section 826.014. Counties May Adopt Ordinances and Rules.

(a) The commissioners court of a county may adopt ordinances or rules that establish a local rabies control program in the county and set local standards that are compatible with and equal to or more stringent than the program established by this chapter and the department rules adopted under this chapter.

(b) County ordinances or rules adopted under this section supersede this chapter and the department rules adopted under this chapter within that county so that dual enforcement will not occur.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1610, eff. April 2, 2015.

Section 826.015. Municipalities May Adopt Ordinances or Rules.

(a) The governing body of a municipality may adopt ordinances or rules that establish a local rabies control program in the municipality and set local standards that are compatible with and equal to or more stringent than:

(1) the ordinances or rules adopted by the county in which the municipality is located; and

(2) the program established by this chapter and the department rules adopted under this chapter.

(b) Municipal ordinances or rules adopted under this section supersede ordinances or rules adopted by the county in which the municipality is located, this chapter, and the department rules adopted under this chapter within that municipality so that multiple enforcement will not occur.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1611, eff. April 2, 2015.

Section 826.016. Contracts.

The governing body of a municipality and the commissioners court of a county may enter

into contracts or agreements with public or private entities to carry out the activities required or authorized under this chapter.

Acts 1989, 71st Leg., Ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 826.017. Designation of Local Rabies Control Authority.

(a) The commissioners court of each county and the governing body of each municipality shall designate an officer to act as the local rabies control authority for the purposes of this chapter.

(b) Except as restricted by department rule, the officer designated as the local rabies control authority may be the county health officer, municipal health officer, animal control officer, peace officer, or any entity that the commissioners court or governing body considers appropriate.

(c) Among other duties, the local rabies control authority shall enforce:

(1) this chapter and the department rules that comprise the minimum standards for rabies control;

(2) the ordinances or rules of the municipality or county that the local rabies control authority serves; and

(3) the rules adopted by the executive commissioner under the area rabies quarantine provisions of Section 826.045.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 2, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1612, eff. April 2, 2015.

Section 826.018. Local Rabies Control Programs.

(a) This section applies to a veterinarian who:

(1) is employed by a county or municipality; and

(2) administers or supervises the administration of rabies vaccine as part of a local rabies control program established by a county or municipality under this chapter.

(b) A veterinarian described by Subsection (a) is not required to establish a veterinarian-client-patient relationship before administering rabies vaccine or supervising the administration of rabies vaccine.

(c) To the extent of any conflict between this section and any other law or rule relating to the administration of rabies vaccine, this section controls.

Added by Acts 2015, 84th Leg., R.S., Ch. 52 (H.B. 1740), Sec. 1, eff. May 21, 2015.

SUBCHAPTER C. RABIES VACCINATIONS

Section 826.021. Vaccination of Dogs and Cats Required.

(a) Except as otherwise provided by department rule, the owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by department rule.

(b) A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's owner a vaccination certificate in a form that meets the minimum standards approved by the executive commissioner.

(c) A county or municipality may not register or license an animal that has not been vaccinated in accordance with this section.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1613, eff. April 2, 2015.

Section 826.0211. Confidentiality of Certain Information in Rabies Vaccination Certificate; Criminal Penalty.

(a) Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the certificate or record may not include the social security number or the driver's license number of the owner of the vaccinated animal.

(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information, including a county or municipality that registers dogs and cats under Subchapter D, must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

(c) A person commits an offense if the person distributes information that is confidential under this section. An offense under this subsection is a misdemeanor punishable by:

- (1) a fine of not more than \$1,000;
- (2) confinement in the county jail for not more than 180 days; or
- (3) both the fine and confinement.

Added by Acts 1999, 76th Leg., ch. 1069, Sec. 1, eff. Sept. 1, 1999. Amended by: Acts 2005, 79th Leg., Ch. 1235 (H.B. 1426), Sec. 1, eff. September 1, 2005. Acts 2007, 80th Leg., R.S., Ch. 686 (H.B. 1728), Sec. 1, eff. June 15, 2007.

Section 826.022. Vaccination; Criminal Penalty.

(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 and the animal is required to be vaccinated under:

(1) Section 826.021 and department rules; or

(2) ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

(b) An offense under this section is a Class C misdemeanor.

(c) If on the trial of an offense under this section the court finds that the person has been previously convicted of an offense under this section, the offense is a Class B misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 3, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1614, eff. April 2, 2015.

Section 826.023. Use and Sale of Rabies Vaccine.

(a) Rabies vaccine for animals may be administered only by or under the direct supervision of a veterinarian.

(b) A veterinarian may not administer or directly supervise the administration of rabies vaccine in this state unless the person is:

(1) licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine; or

(2) practicing veterinary medicine on an installation of the armed forces or National Guard.

(c) A person may not sell or distribute rabies vaccine for animals to any person except a licensed veterinarian or to a person working in a veterinary clinic who accepts the vaccine on behalf of the veterinarian.

(d) This section does not prohibit a pharmacy licensed by the Texas State Board of Pharmacy from supplying rabies vaccine for animals to a licensed veterinarian.

(e) This section does not prohibit a veterinarian licensed by the State Board of Veterinary Medical Examiners from selling or dispensing rabies vaccine to an individual with whom the veterinarian has a veterinarian-client-patient relationship as described by Chapter 801, Occupations Code, for the sole purpose of allowing that individual to administer the rabies vaccine to that individual's own livestock.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 5, eff. May 5, 1995; Acts 2001, 77th Leg., ch. 1420, Sec. 14.810, eff. Sept. 1, 2001.

Section 826.024. Use and Sale of Rabies Vaccine; Criminal Penalty.

(a) A person commits an offense if the person:

(1) administers or attempts to administer rabies vaccine in a manner not authorized by Section 826.023;

(2) dispenses or attempts to dispense rabies vaccine in a manner not authorized by Section 826.023; or

(3) sells or distributes rabies vaccine for animals in violation of Section 826.023(c).

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 826.025. Provision of Vaccine and Serum.

(a) The department may provide vaccine and hyperimmune serum in accordance with department policies or procedures for the use and benefit of a person exposed, or suspected of having been exposed, to rabies.

(b) In accordance with department rules and eligibility standards, the department is entitled to be reimbursed by or on behalf of the person receiving the vaccine or serum for actual costs incurred in providing the vaccine or serum.

(c) At the written request of the department, the attorney general or the county or district attorney for the county in which the recipient of the vaccine or serum resides may bring suit or start other proceedings in the name of the state to collect the reimbursement owed the department for the vaccine or serum.

(d) A suit or other proceeding may be brought against:

(1) the recipient;

(2) the parent, guardian, or other person legally responsible for the support of the recipient; or

(3) a responsible third party.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1615, eff. April 2, 2015.

[Sections 826.026 to 826.030 reserved for expansion]

SUBCHAPTER D. REGISTRATION AND RESTRAINT OF DOGS AND CATS

Section 826.031. Registration of Dogs and Cats by Local Governments.

(a) The governing body of a municipality and the commissioners court of a county may adopt ordinances or rules under Section 826.014 or 826.015 requiring the registration of each dog and cat within the jurisdiction of the municipality or county.

(b) A dog or cat may not be subject to dual registration.

(c) The enforcing agency may collect a fee set by ordinance for the registration of each dog or cat and may retain the fees collected. The fees may be used only to help defray the cost of administering this chapter or the ordinances or rules of the enforcing agency within its jurisdiction.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 826.0311. Confidentiality of Certain Information in Dog and Cat Registry; Criminal Penalty.

(a) Information that is contained in a municipal or county registry of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

(c) A person commits an offense if the person distributes information that is confidential under this section. An offense under this subsection is a misdemeanor punishable by:

- (1) a fine of not more than \$1,000;
- (2) confinement in the county jail for not more than 180 days; or
- (3) both the fine and confinement.

Added by Acts 1999, 76th Leg., ch. 1069, Sec. 2, eff. Sept. 1, 1999. Amended by Acts 2007, 80th Leg., R.S., Ch. 686 (H.B. 1728), Sec. 2, eff. June 15, 2007.

Section 826.032. Registration; Criminal Penalty.

(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 the person; and

(2) the animal is required to be registered under the ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Section 826.033. Restraint, Impoundment, and Disposition of Dogs and Cats.

(a) The governing body of a municipality and the commissioners court of a county may adopt ordinances or rules under Section 826.014 or 826.015 to require that:

(1) each dog or cat be restrained by its owner;

(2) each stray dog or cat be declared a public nuisance;

(3) each unrestrained dog or cat be detained or impounded by the local rabies control authority or that officer's designee;

(4) each stray dog or cat be impounded for a period set by ordinance or rule; and

(5) a humane disposition be made of each unclaimed stray dog or cat on the expiration of the required impoundment period.

(b) A jurisdiction may not be subject to dual restraint ordinances or rules.

(c) The enforcing agency may adopt an ordinance setting a fee for the impoundment and board of a dog or cat during the impoundment period. The animal's owner must pay the fee before the animal may be released.

(d) The enforcing agency shall deposit the fees collected in the treasury of the enforcing agency. The fees may be used only to help defray the cost of administering this chapter or the ordinances or rules of the enforcing agency within its jurisdiction.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 6, eff. May 5, 1995.

Section 826.034. Restraint; Criminal Penalty.

(a) A person commits an offense if:

- (1) the person fails or refuses to restrain a dog or cat owned by the person; and
- (2) the animal is required to be restrained under the ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

[Sections 826.035 to 826.040 reserved for expansion]

SUBCHAPTER E. REPORTS AND QUARANTINE

Section 826.041. 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 rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

(b) The report must include:

- (1) the name and address of the victim and of the animal's owner, if known; and
- (2) any other information that may help in locating the victim or animal.

(c) The local rabies control authority shall investigate a report filed under this section.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 7, eff. May 5, 1995.

Section 826.042. Quarantine of Animals.

(a) The executive commissioner shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine.

(b) The local rabies control authority or a veterinarian shall quarantine or test in accordance with department rules any animal that the local rabies control authority or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies.

(c) An owner shall submit for quarantine an animal that:

- (1) is reported to be rabid or to have exposed an individual to rabies; or
- (2) the owner knows or suspects is rabid or has exposed an individual to rabies.

(d) The owner shall submit the animal to the local rabies control authority of the county or municipality in which the exposure occurs.

(e) A veterinarian shall quarantine an animal that:

(1) is in the possession of the veterinarian; and

(2) the veterinarian knows or suspects is rabid or has exposed an individual to rabies.

(f) At the time an owner submits for quarantine an animal described by Subsection (b), the veterinarian or local rabies control authority, as applicable, shall:

(1) provide written notification to the animal's owner of the date the animal enters quarantine and the date the animal will be released from quarantine;

(2) obtain and retain with the animal's records a written statement signed by the animal's owner and a supervisor employed by the veterinarian or local rabies control authority acknowledging that the information required by Subdivision (1) has been provided to the animal's owner; and

(3) provide the animal's owner a copy of the signed written statement obtained under Subdivision (2).

(g) A veterinarian or local rabies control authority, as applicable, shall identify each animal quarantined under this section with a placard or other marking on the animal's kennel that indicates the animal is quarantined under this section.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 8, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1616, eff. April 2, 2015.

Section 826.043. Release or Disposition of Quarantined Animal.

(a) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or local rabies control authority shall release the animal to its owner when the quarantine period ends if:

(1) the owner has an unexpired rabies vaccination certificate for the animal; or

(2) the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

(b) If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian or local rabies control authority shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the veterinarian or local rabies control authority shall remove the head or brain of the animal and submit it to the nearest department laboratory for testing.

(c) The owner of an animal that is quarantined under this chapter shall pay to the veterinarian or local rabies control authority the reasonable costs of the quarantine and disposition of the animal. The veterinarian or local rabies control authority may bring suit to collect those costs. The county in which the veterinarian is located may reimburse the veterinarian in a reasonable amount set by the county for the costs of the quarantine and disposition of an animal whose owner is unable to pay.

(d) Except as provided by Subsection (e), the veterinarian or local rabies control authority may sell the animal and retain the proceeds or keep, grant, or destroy 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.

(e) A veterinarian or local rabies control authority may not destroy an animal following the final day of the quarantine period unless the veterinarian or local rabies control authority has notified the animal's owner, if available, of the animal's scheduled destruction.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 9, eff. May 5, 1995.

Section 826.044. Quarantine; Criminal Penalty.

(a) A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that:

(1) is required to be placed in quarantine or presented for testing under Section 826.042 and department rules; or

(2) is required to be placed in quarantine under ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1617, eff. April 2, 2015.

Section 826.045. Area Rabies Quarantine.

(a) If rabies is known to exist in an area, the department or its designee may declare an area rabies quarantine to prevent or contain a rabies epizootic.

(b) On the declaration that a quarantine exists, the executive commissioner shall:

(1) define the borders of the quarantine area; and

(2) adopt permanent or emergency rules.

(c) The rules adopted under Subsection (b)(2) may include conditions for the restraint of carnivorous animals and the transportation of carnivorous animals into and out of the quarantine area.

(d) The quarantine remains in effect until the 181st day after the date on which the last case of rabies is diagnosed in a dog, cat, or other animal species that caused the department or its designee to declare a quarantine, unless the department or its designee, by declaration, removes the quarantine before that date.

(e) While the quarantine is in effect, the rules adopted by the executive commissioner supersede all other applicable ordinances or rules applying to the quarantine area and apply until the department or its designee removes the quarantine by declaration or until the rules expire or are revoked by the executive commissioner.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1618, eff. April 2, 2015.

Section 826.046. Violation of Area Rabies Quarantine; Criminal Penalty.

(a) A person commits an offense if the person violates or attempts to violate a department rule adopted under Section 826.045 governing an area rabies quarantine.

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1619, eff. April 2, 2015.

Section 826.047. Limitation on Liability.

A veterinarian performing duties under this chapter is not liable to the owner of an animal for the death of or injury to the animal except in a case of wilful misconduct or gross negligence.

Added by Acts 1995, 74th Leg., ch. 44, Sec. 11, eff. May 5, 1995.

Section 826.048. Exemption from Quarantine Requirement for Police Service Animals.

(a) In this section, “handler or rider” and “police service animal” have the meanings assigned by Section 38.151, Penal Code.

(b) A police service animal is exempt from the quarantine requirement of this subchapter if the animal bites a person while the animal is under routine veterinary care or while the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If after biting the person the animal exhibits any abnormal behavior, the law enforcement agency and the animal’s handler or rider shall make the animal available within a reasonable time for testing by the local health authority.

Added by Acts 2001, 77th Leg., ch. 979, Sec. 2, eff. Sept. 1, 2001.

[Sections 826.049 to 826.050 reserved for expansion]

SUBCHAPTER F. QUARANTINE AND IMPOUNDMENT FACILITIES

Section 826.051. Minimum Standards for Quarantine and Impoundment Facilities.

(a) The executive commissioner shall adopt rules governing the types of facilities that may be used to quarantine animals.

(b) The executive commissioner by rule shall establish minimum standards for impoundment facilities and for the care of impounded animals.

(c) In accordance with department rules, a local rabies control authority may contract with one or more public or private entities to provide and operate a quarantine facility.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 12, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1620, eff. April 2, 2015.

Section 826.052. Inspections.

An employee of the department, on the presentation of appropriate credentials to the local rabies control authority or the authority's designee, may conduct a reasonable inspection of a quarantine or impoundment facility at a reasonable hour to determine if the facility complies with:

(1) the minimum standards adopted by the executive commissioner for those facilities; and

(2) the requirements for animal control officer training adopted under Chapter 829.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec.13, eff. May 5, 1995. Amended by: Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B.1562), Sec. 3, eff. September 1, 2007. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1621, eff. April 2, 2015.

Section 826.053. Hearing.

(a) A person aggrieved by an action of the department in amending, limiting, suspending, or revoking any approval required of the department by this chapter may request a hearing.

(b) A hearing held under this section must be conducted in accordance with Chapter 2001, Government Code, and the department's formal hearing rules.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), eff. Sept. 1, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1622, eff. April 2, 2015.

Section 826.054. Suits to Enjoin Operation of Quarantine or Impoundment Facility.

(a) At the request of the commissioner, the attorney general may bring suit in the name of the state to enjoin the operation of a quarantine or impoundment facility that fails to meet the minimum standards established by this chapter and department rules.

(b) The suit shall be brought in a district court in the county in which the facility is located.

(c) When a court issues an order to a facility to cease operation, the local rabies control authority shall remove all animals housed in the facility to a shelter approved by the department. The county or municipality within whose jurisdiction the facility is located shall pay the cost of relocating the animals to an approved shelter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 14, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1623, eff. April 2, 2015.

Section 826.055. Quarantine or Impoundment Facility; Criminal Penalty.

(a) A person commits an offense if the person operates a facility for quarantined or impounded animals that fails to meet standards for approval established by:

(1) department rules; or

(2) ordinances or rules adopted under this chapter by a county or municipality.

(b) An offense under this section is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1624, eff. April 2, 2015.

Legislative update 2017 (SB 319) inserted by Department of State Health Services Zoonosis Control: amended Section 826.042 by adding Subsections (f) and (g) and Section 826.043 by amending Subsection (d) and adding Subsection (e) (bill effective 9-1-17).

HEALTH AND SAFETY CODE
TITLE 10. HEALTH AND SAFETY OF ANIMALS
CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING

Section 829.001. Definitions.

In this chapter:

(1) "Animal control officer" means a person who:

(A) is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control; and

(B) is not a peace officer.

(2) "Department" means the Department of State Health Services.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331, (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.0015. Applicability of Chapter.

The commissioners court of a county that has a population of 75,000 or less may adopt an order exempting the county from the application of this chapter. This chapter does not apply within the boundaries of a county for which an order is adopted under this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.002. Training Required.

A person may not perform the duties of an animal control officer unless:

(1) the person:

(A) completes a basic animal control course under this chapter not later than the first anniversary of the date the person assumes animal control duties; or

(B) completed a personnel training course on or before June 30, 2008, under Section 823.004 as it existed on that date; and

(2) the person completes 30 hours of continuing education under this chapter during each three-year period following:

(A) the date the person completes the basic animal control course; or

(B) June 30, 2008, if the person completed a personnel training course under Subdivision (1)(B).

Section 829.003. Training Courses.

(a) The department shall prescribe the standards and curriculum for basic and continuing education animal control courses. The curriculum for both the basic and continuing education courses must include the following topics:

- (1) state laws governing animal control and protection and animal cruelty;
- (2) animal health and disease recognition, control, and prevention;
- (3) the humane care and treatment of animals;
- (4) standards for care and control of animals in an animal shelter;
- (5) standards and procedures for the transportation of animals;
- (6) principles and procedures for capturing and handling stray domestic animals and wildlife, including principles and procedures to be followed with respect to an instrument used specifically for deterring the bite of an animal;
- (7) first aid for injured animals;
- (8) the documentation of animal cruelty evidence and courtroom procedures;
- (9) animal shelter operations and administration;
- (10) spaying and neutering, microchipping, and adoption;
- (11) communications and public relations;
- (12) state and federal laws for possession of controlled substances and other medications; and
- (13) any other topics pertinent to animal control and animal shelter personnel.

(b) In prescribing the standards and curriculum of courses under this chapter, the department shall:

- (1) determine what is considered satisfactory completion of a course;
- (2) determine what is considered a passing grade on any postcourse tests and practical applications; and
- (3) require that a person attend all sessions of a course.

(c) A basic animal control course must be at least 12 hours.

(d) In developing and approving the criteria and curriculum for animal control courses, the department shall consult with the Texas Animal Control Association and other animal control and animal protection organizations as the department considers appropriate.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008. Amended by: Acts 2009, 81st Leg., R.S., Ch. 299 (H.B. 405), Sec. 2, eff. June 19, 2009.

Section 829.004. Availability of Courses.

(a) The department or the department's designee shall offer at least two basic animal control courses every calendar year in each of the department's zoonosis control regions.

(b) The department or the department's designee shall offer at least 12 hours of continuing education animal control courses each calendar year in each of the department's zoonosis control regions.

(c) The department shall ensure the additional availability of animal control courses through sponsors approved by the department, which may include the Texas Animal Control Association.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.005. Fee.

The department and any authorized animal control course sponsor, in accordance with department rules, may collect reasonable fees to cover the cost of arranging and conducting an animal control course.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1627, eff. April 2, 2015.

Section 829.006. Issuance of Certificate.

(a) The department or the department's designee shall:

(1) maintain the training records for each person satisfactorily completing any course offered under this chapter for the purpose of documenting and ensuring that the person is in compliance with the requirements of this chapter; and

(2) issue a certificate to each person satisfactorily completing a course offered under this chapter that contains:

(A) the person's name;

(B) the name of the course; and

(C) the date the course was completed.

(b) The department or the department's designee may charge a reasonable fee to cover the cost of issuing a certificate required by Subsection (a).

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.007. Facility Certificate.

The department shall issue a certificate to an animal shelter inspected under Section 823.003 or a quarantine or impoundment facility inspected under Section 826.052 that the department or the veterinarian conducting the inspection, as applicable, determines complies with this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.008. Payment of Fee.

A political subdivision of this state may require that an individual pay a fee for a course or certificate under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Section 829.009. Civil Remedy.

A person may sue for injunctive relief to prevent or restrain a substantial violation of this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 1, eff. July 1, 2008.

Sec. 3.01.006 - Local rabies control authority

The animal services director is hereby designated as the local rabies control authority for the purposes of chapter 826 of the Health and Safety Code.

(1996 Code, sec. 3.202; Ordinance adopted 9-18-07, § 8; Ordinance adopted 10-6-15)

State Law reference— Appointment of rabies control authority by municipality, V.T.C.A., Health and Safety Code, sec. 826.017.

Sec. 3.01.007 - Vaccination required

(a) All dogs, cats, ferrets, and potbellied pigs kept, harbored or maintained by their owners within the city corporate limits shall be vaccinated for rabies by the time the animal is four months of age, again at 12 months of age, and once every year if a one-year effective rabies vaccine is administered or once every three years thereafter if a three-year effective rabies vaccine is administered.

(1) Failure to vaccinate within each required period is a violation of this section.

(2) A veterinarian who vaccinates a dog, cat, or ferret shall issue to the animal's owner a vaccination certificate that conforms to the requirements established by the state board of health.

(b) All potbellied pigs kept, harbored or maintained by their owners within the city corporate limits shall be vaccinated for leptospirosis and erysipelas by the time the animal is four months of age and once each year thereafter.

(1) Failure to vaccinate within each 12-month period is a violation of this section.

(2) A veterinarian who vaccinates a potbellied pig shall issue to the animal's owner a vaccination certificate that conforms to the requirements established by the state board of health.

(1996 Code, art. 3.300; Ordinance adopted 9-18-07, § 9; Ordinance adopted 10-6-15)

State Law reference— Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.

Sec. 3.01.010 - Persons bitten by dog, cat or other animal

(a) Should any person or animal be bitten or scratched by a dog or cat ("suspect dog or cat" herewith), such suspect dog or cat shall be quarantined for observation for a period of not less than ten days immediately following the date of the bite incident. For a temporary period of time pending quarantine, upon receipt of knowledge of the bite or scratch incident, such suspect dog or cat shall be confined by the owner in a building or secure enclosure or securely chained to prevent escape or injury to said suspect dog or cat and to prevent contact with other persons or animals.

- (b) Failure of the owner of a suspect dog or cat to act as herein described shall constitute an offense, and each hour of failure to comply with these provisions after receipt of knowledge of the incident by the owner will constitute a separate offense.
- (c) Should any person or animal be bitten or scratched by an animal of a species known to be a rabies carrier, not a dog or cat ("suspect animal"), and not a wild animal, such suspect animal shall be immediately delivered to the city animal shelter by the owner or person in control of the animal for examination and determination by the city veterinarian whether such suspect animal is to be quarantined (including the length and type of quarantine) after consultation with the veterinarian(s) who has previously attended said animal. Provided, however, if after examination and consultation as provided above, the city veterinarian determines that euthanasia for rabies determination is appropriate, such shall be done.
- (d) Quarantine arrangements for a suspect dog or cat or suspect animal shall be made by the owner of such suspect dog or cat or suspect animal within 24 hours of receipt of knowledge by the owner of the bite or scratch with the animal services department of the city. Failure of the owner of such suspect dog or cat or suspect animal to make quarantine arrangements and so advise the animal services department shall constitute an offense and each hour of failure to comply with this provision following the 24 hour time limit shall constitute a separate offense.
- (e) Quarantine of a suspect dog or cat or suspect animal shall be accomplished by one of the following methods:
 - (1) Said animal may be quarantined by the city animal shelter under supervision of the veterinarian employed by the city.
 - (2) Said animal may be quarantined at the clinic or hospital of any licensed veterinarian in the immediate area.
 - (3) Said animal may be home quarantined upon approval of the animal services director.
- (f) Regardless of the place of quarantine, the animal shall be examined at the initiation of the quarantine and again at the conclusion of the quarantine period by a licensed veterinarian, who shall notify the animal services department of his findings from said examinations.
- (g) Any quarantined suspect dog, cat or ferret not vaccinated against rabies nor registered with the city during the 12-month period immediately preceding the date of the bite or scratch incident shall be vaccinated by the attending veterinarian at the conclusion of the quarantine period, and the animal shall be registered before being released.
- (h) The owner of the quarantined suspect dog or cat or suspect animal shall pay all fees incident to the quarantine prior to release of the animal from quarantine by the veterinarian except, if the animal bit or scratched the owner or a member of his immediate family, such animal may, at the discretion of the local rabies control authority, be quarantined at the home of the owner, provided the veterinary examination of said animal at the beginning of the quarantine period

reveals no reason to suspect the presence of rabies in said animal. Should there be any doubt as to the rabies status of said animal by the examining veterinarian, then quarantine shall be accomplished by one of the methods described above, or the animal destroyed as described herein. Said animal must be examined at the conclusion of the quarantine by a veterinarian and all other portions of this section shall apply.

- (i) In the event the owner of a suspect dog, cat or ferret is unknown, said animal shall be considered a stray and it shall be quarantined at the city animal shelter. Should a person subsequently appear and claim said dog, cat or ferret, then said person shall be considered as the owner and be liable for all fees incident to the quarantine as described herein. If all fees are not paid within three days following the quarantine period at the city animal shelter, said dog, cat or ferret may be sold or destroyed by the animal services director.
- (j) Any animal suspected of being infected with rabies may be destroyed immediately upon recommendation of a licensed veterinarian for determination of rabies.
- (k) Any wild animal that is not a domesticated animal, without a licensing tag, found within the city corporate limits and subject to this section, may be euthanized by the animal services department or killed by a police officer and the head of said animal delivered to the animal shelter for rabies examination at the discretion of the local rabies control authority.
- (l) Whenever any animal bites any other animal, all regulations and requirements herein described shall apply to both the attacking animal and the animal that is bitten. Should an animal be bitten by an animal determined to have rabies, then it shall be handled by one of the following methods:
 - (1) If not vaccinated against rabies for a period of at least 30 days and no more than 12 months immediately preceding the date of exposure, said animal shall be quarantined for a minimum period of 90 days immediately following the date of exposure at a veterinary hospital or the city animal shelter, with said animal being examined and vaccinated against rabies as required under current department of state health services regulations and reexamined at the end of the quarantine period by a licensed veterinarian, unless owner gives written consent to destroy it;
 - (2) If vaccinated against rabies for a period at least 30 days and no more than 12 months immediately preceding exposure, said animal shall be given the appropriate rabies booster immediately and quarantined for 45 days; or
 - (3) Euthanasia.

(1996 Code, art. 3.1500; Ordinance adopted 9-18-07, § 4; Ordinance adopted 10-6-15)

State Law reference— Rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

Staff Report



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: January 16, 2025

Item type: Regular Item

Caption:

Discussion and consideration of amendments to the nuisance animal ordinance (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden)

Summary/History:

Local ordinance 3.08 defines and provides for the process of declaring and owning a nuisance animal. A municipal court hearing may be held to review evidence of dogs or other animals which:

- has fierce, dangerous, or vicious propensities.
- has bitten, scratched, or otherwise attacked a person or other animal.
- has loud, unusual, or prolonged barking, howling or other utterances causing a disturbance.
- is a female dog at large in her estrous cycle.

Citizens who witness such behavior may complete a written statement with the municipal prosecutor and provide evidence, such as a barking dog log, security camera footage, or a bite report. A hearing is set where the municipal court judge hears evidence from both sides and makes a determination. The judge may order (1) corrective action (muzzle, secure enclosure inspected by animal services), (2) impound to animal services for humane euthanasia, or (3) impound to animal services for assessment for possible out of town rescue transfer.

This section of the ordinance additionally provides for the declaration of an epizootic zone for rabies control. The clearly defined area would require households to keep their pets confined. Animals infected with rabies and displaying vicious propensities shall be euthanized without notice to the owner.

This law is unactionable as rabies can only be tested posthumously. Animals injured beyond recovery per the City's contracted veterinarian may be destroyed.

Financial Impact:

None.

Other Information/Recommendation:

Staff recommends adding:

- Dogs or livestock running at large three or more times within a 12 consecutive month period.

- Animals which damage, soil, or defiles public or private property other than property belonging to the animal's owner.
- Animals which produce offensive odors or unsanitary conditions sufficient to annoy a reasonable person of ordinary sensibilities living in the vicinity.
- Animals which chase pedestrians, passersby, or passing vehicles, including bicycles.

Staff also asks that the animal control authority be allowed to issue orders of correction and abatement before escalating to a municipal court hearing. This shortens the response time for corrective action and decreases fear of neighbor disputes (currently requires a written statement and testimony from witness).

Finally, staff recommends clear definition of potentially dangerous, vicious, and dangerous.

Attachments:

1.	San Angelo, TX Code of Ordinances Nuisance 3.08	San Angelo, TX Code of Ordinances Nuisance 3.08.pdf
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Presentation:

Approvals/Reviews:

Morgan Chegwidden	Created/Initiated
Kathleen Dabbert	Approved
Jeffrey Tomlinson	Final Approval

ARTICLE 3.08 - NUISANCES

Sec. 3.08.001 - Nuisance declared; complaint procedure

- (a) *Nuisance declared.* Any dog or other animal kept, maintained or harbored within the city corporate limits which has fierce, dangerous or vicious propensities or which has bitten, scratched or otherwise attacked any person or other animal, or any dog or other animal which by loud, unusual or prolonged barking, howling or other utterances shall cause the peace and quiet of the neighborhood, neighbor or occupant of any adjacent premises to be disturbed, is hereby declared to be a nuisance.
- (b) *Complaint procedure.* Upon written complaint wherein any dog or other animal is alleged to be a nuisance, as defined in this article, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person or other animal, the court may order that such dog or other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal services director and by him be destroyed, or assess a fine against the owner thereof as provided herein, or any combination of the foregoing.
- (c) *Notice; determination by court.* If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal services director and by him destroyed, and failure or refusal to do so within 24 hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten days prior to the date of such hearing, shall be deemed sufficient and proper notice.
- (d) *Complete defenses.* Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animal(s), or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

Sec. 3.08.002 - Harboring animal declared to be a nuisance

- (a) Any person who owns, keeps or harbors a dog or other animal which is declared to be a nuisance under section 3.08.001 shall be guilty of a misdemeanor.
- (b) Upon written complaint wherein any dog or other animal is alleged to be a nuisance as defined in section 3.08.001, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, the court may order that such dog or other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal services director and by him be destroyed, or assess a fine against the owner thereof as provided herein, or any combination of the foregoing. If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant of any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city limits or delivered to the animal services director and by him destroyed; failure or refusal to do so within 24 hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten days prior to the date of such hearing, shall be deemed sufficient and proper notice.
- (c) Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animals, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

(1996 Code, sec. 3.1602; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

Sec. 3.08.003 - Destruction of animals

- (a) *Dangerous or vicious animals or animals attacking person.* Any dog or other animal which has fierce, dangerous or vicious propensities or which has bitten, scratched or otherwise attacked any person and which is at-large and is unable to be caught and impounded and which is displaying vicious and dangerous propensities may be destroyed by the animal services director, the director's designee or any police officer without notice to the owner.
- (b)

Female animals at-large. Any female dog or other animal at-large within the city corporate limits while in season is declared to be a public nuisance and it shall be the duty of the animal services director, the director's designee or any policeman to impound said dog. If such dog or other animal is unable to be caught and impounded and, after reasonable inquiry, the owner thereof cannot be determined or found, same may be destroyed by the animal services director, the director's designee or any police officer.

- (c) *Rabies proclamation.* Wherever the danger to public health and safety from rabid dogs and other animals exists, it shall be deemed an emergency and the mayor shall issue and have published a proclamation requiring all dogs or other animals to be closely confined upon the owner's premises during said period and between stated dates, and any owner or person who harbors same failing to comply with this section shall be guilty of a misdemeanor, or be subject to have same impounded and destroyed.
- (d) *Animals infected with rabies.* All other dogs or other animals infected with rabies and displaying vicious propensities shall be destroyed by the animal services director, the director's designee or any police officer without notice to the owner.
- (e) *Injured animals.* Any dog or other animal which is found to be injured to the extent that it is past recovery, in the opinion of the veterinarian employed by the city, may be destroyed by said veterinarian, if the owner thereof is unable to be determined, or if the owner cannot be found after reasonable inquiry in the neighborhood where the dog or other animal was located.

(1996 Code, sec. 3.1603; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)