



Animal Shelter Advisory Committee
3/27/2025

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on March 27, 2025 at 12:00 PM at City Hall – East Mezzanine at 72 W. College Avenue, 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 January 16, 2025 Animal Shelter Advisory Committee regular meeting minutes (Morgan Chegwidden)
- b. Consideration of monthly shelter performance for January 2025 (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden)
- c. Consideration of monthly shelter performance for February 2025 (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden)

4. Regular Agenda

- a. Discussion and possible action of Animal Services dog intake policies (Presentation made by Interim Director of Neighborhood & Family Services Morgan Chegwidden)
- b. Consideration and discussion of barriers to citizens accessing animal services programs (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden).
- c. Discussion and possible action on state and local requirements for rabies control (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 24th day of March 24, at 11:30 a.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: March 27, 2025

Item type: Consent Item

Caption:

Consider approving the January 16, 2025 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. | 250116 Minutes | 250116 Minutes.pdf |
|----|----------------|--------------------|

Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval



**City of San Angelo, Texas
Animal Shelter Advisory Committee Minutes
January 16, 2025**

Present:

Chrysanthemum Cohen, SMD1
Jen Murphy, SMD2
Judge Penny Roberts, SMD3
Rodger Horton, SMD4
Morgan Chegwidden, SMD6

1. Call to Order/Roll Call to Establish Quorum

With a quorum of the committee members present, Vice-chairperson Jen Murphy called the regular meeting Animal Shelter Advisory Committee to order at 12:01 p.m. on January 16, 2025 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 October 17, 2025 Animal Shelter Advisory Committee regular meeting minutes.
- b. Consider accepting non-negative rabies specimens for 2024.

MOTION: Committee member Roberts made a motion, seconded by Committee member Horton, to approve the Consent Agenda with the exception of items c., d., and e. The motion carried unanimously five (5) ayes to zero (0) nays.

- c. Consideration of monthly shelter performance for October 2024.

A presentation was made by Interim Director Morgan Chegwidden. No action was taken on this item.

- d. Consideration of monthly shelter performance for November 2024.

A presentation was made by Interim Director Morgan Chegwidden. No action was taken on this item.

- e. Consideration of monthly shelter performance for December 2024.

A presentation was made by Interim Director Morgan Chegwidden. No action was taken on this item.

Jenny Wilson from Concho Valley PAWS provided an update on their 2024 programs, highlighting intake diversion efforts that helped 497 pet owners rehome pets instead of surrendering them. PAWS transferred 1,354 dogs from the city shelter, completed 1,691 adoptions, and facilitated emergency care for injured animals. She also encouraged other rescues to pull animals, offering support with vaccinations and spay/neuter services.

4. Regular Agenda

- a. Consider election of a chairperson and a vice-chairperson to terms ending January 2026.

A presentation was made by Interim Director Morgan Chegwidden.

MOTION: Committee member Roberts made a motion, seconded by Committee member Cohen, to elect Committee member Horton to the position of chairperson. The motion carried unanimously five (5) ayes to zero (0) nays.

Roger Horton assumed the role of Committee Chair, taking over the meeting from Jen Murphy.

MOTION: Committee member Cohen made a motion, seconded by Committee member Murphy, to elect Committee member Cohen to the position of vice-chairperson. The motion carried unanimously five (5) ayes to zero (0) nays.

- b. Discussion and possible action on state and local requirements for the animal shelter.

A presentation was made by Interim Director Morgan Chegwidden. No action was taken on this item.

- c. Discussion and consideration of amendments to the nuisance animal ordinance.

A presentation was made by Interim Director Morgan Chegwidden. The committee gave direction by general consensus to proceed with items present, excluding criteria defining animals which soil property or produce offensive odor.

5. Follow Up and Administrative Issues

Committee member Chegwidden stated that the next meeting is scheduled at the City Hall East Mezzanine.

Committee member Roberts requested that Concho Valley PAWS continue to provide updates to the committee.

6. Adjournment

MOTION: Committee member Roberts made a motion, seconded by Committee member Horton, to adjourn. The motion carried unanimously five (5) ayes to zero (0) nays. The meeting was adjourned at 1:25 p.m.

DRAFT

Staff Report



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

Meeting Date: March 27, 2025

Item type: Consent Item

Caption:

Consideration of monthly shelter performance for January 2025 (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden)

Summary/History:

187 new animals arrived at the shelter during January. 154 were adopted/transferred, 33 were redeemed by their owner, 2 wildlife were released, 27 were deceased and 269 were in custody at month end.

Animal Services' live release rate was 87.50%.

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: March 27, 2025

Item type: Consent Item

Caption:

Consideration of monthly shelter performance for February 2025 (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden)

Summary/History:

204 new animals arrived at the shelter during February. 137 were adopted/transferred, 45 were redeemed by their owner, 1 wildlife was released, 46 were deceased and 219 were in custody at month end.

Animal Services' live release rate was 79.91%.

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services

Meeting Date: March 27, 2025

Item type: Regular Item

Caption:

Discussion and possible action of Animal Services dog intake policies (Presentation made by Interim Director of Neighborhood & Family Services Morgan Chegwidden)

Staff Recommendation:

Direction from Council

Summary/History:

In December 2024, the City Council members discussed dog intake practices. In February 2025, city management amended intake practices in an effort to improve public safety to no longer require (1) owner surrender counseling and (2) Good Sam participation for finders.

From a broad perspective, San Angelo Animal Services impounds cats, dogs, wildlife, livestock, and fowl in San Angelo city limits. Generally, animals arrive by three methods:

- ASO intake
- Found stray
- Owner surrender

Animal Services Officers impound any loose dogs that can be caught, estray livestock or loose fowl that can be secured, any injured animal, trapped wildlife (top rabies risk) at no charge, and other trapped animals for \$25.

Finders may participate in services Monday–Friday 10 am–6 pm. Trapped cats and wildlife (not top rabies risk) are impounded. Healthy, fluffy kittens under 8 weeks of age are asked to return to their original neighborhood. All injured or obviously sick animals are impounded. Prior to February 26, 2025, healthy, nice dogs were impounded unless the shelter was approaching capacity, then finders were referred to Good Sam. The amended policy no longer restricts intake when approaching capacity.

Before February 26, 2025, owners wishing to surrender their pets for adoption or euthanasia were referred to re-homing services through Concho Valley PAWS. If owners would like to surrender pets due to eviction, domestic violence, or natural disaster, they were accelerated through the program with immediate impound available and support services as needed. Returned adoptions were also prioritized for owner surrender. The

amended policy allows the owner to surrender dogs regardless of capacity.

Historically, San Angelo Animal Services impounded over 8,000 animals in 2013 and older, an extraordinarily high volume when attempting to provide appropriate care. In 2015, the City adopted three key policies to coordinate intake to appropriate channels: closed the after-hours kennels, limited intake to Tom Green County residents only, and adopted the \$10.00 owner surrender fee. These efforts decreased intake from 8,800 animals in 2013 to 6,000 in 2016.

In 2017, required mandatory owner surrender counseling (can work services or responsibly re-home their pet privately) reducing intake from 6,000 to 4,800. In 2020, the organization further limited intake jurisdiction to San Angelo city limits only decreasing intake to 4,200.

Finally, the City adopted a finite capacity policy in 2022 including a component to close dog intake when approaching capacity. The team initially received this authority on a pilot program basis with regular reports to management and ultimate adoption for this closure. Animal Services developed offsite resources to support finders. The Good Sam program now includes food, collars, leashes, crates, vaccines, photographs and posts on lost and found websites, and a landlord's letter if needed and second priority on the wait list for shelter intake (second only to owners experiencing crises described above). The policy was based on pet-savvy citizens taking time out of their day to observe a loose dog, catch the animal, and traveling to an isolated animal shelter - admittedly a time investment from someone who cares about the well-being of the animal. Taking the extra step of securing the dog for a few days with donated resources is a natural next step. This decreased the annual intake to 2,900 animals. This policy was based on limited resources. Some finders were frustrated with limited shelter capacity and the local ordinance definition of owner (caring for a pet for more than three days) opting out of the Good Sam program.

On December 3, 2025, the City Council referred the capacity policy, including removing intake restrictions, to a task force to develop new policies, pathways and resources to accept more animals. Reducing the number of lost dogs at large in San Angelo is a nuanced and complex issue impacted by nationwide trends (veterinarian shortage) and economic trends (rising pet food costs) requiring a thorough review of Animal Services' role in the community.

Changing the intake of pets, regardless of capacity, pressures all systems, including owner reunification efforts, medical interventions, adoptions and euthanasia. Further resources need to be identified to attempt these efforts.

In the meantime, staff is training on the new policy and rewriting procedures to accommodate the latest policy revision.

Funding Source(s):

Financial Impact:

None at this time.

Other Information/Recommendation:

Staff recommends referring the intake policies to the originating committee, including Animal Services staff and Concho Valley PAWS leadership. Additional stakeholders may be designated as needed.

Staff also recommends a legislative review of local ordinances and policies, including:

- Definition of "owner"
- Fee schedule
- Designated agency responsible for estray livestock

Furthermore, discussion regarding the additional resources required to implement the changes approved during the meeting.

Attachments:**Presentation:**

Morgan Chegwidden

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: March 27, 2025

Item type: Regular Item

Caption:

Consideration and discussion of barriers to citizens accessing animal services programs (Presentation by Interim Director of Neighborhood & Family Services Morgan Chegwidden).

Summary/History:

Like many Americans, the citizens of San Angelo experience certain restrictions to (1) using government services offered by San Angelo Animal Services, (2) gaining compliance with state and local regulations, and (3) maintaining pet ownership throughout the natural life of their pet(s). Committee member Cohen requested this agenda item to identify these barriers and explore what the Animal Shelter Advisory Committee can enact to diminish the ill effects of these limitations.

(1) Use of government services, such as shelter intake, microchip enrollment, owner redemption, adoption.

- General distrust of government.
- Lack of reliable transportation.
- Language barrier.
- Poor rapport with citizens.

(2) Gaining compliance with regulations, such as secure enclosure, spay/neuter, rabies vaccination.

- Ignorance of local regulations.
- Financial and socioeconomic status.
- Desire for personal property rights.

(3) Maintaining pet ownership throughout the natural life of pet(s), such as pet-friendly housing.

- Breed, size, and quantity restrictions from landlords.
- Additional deposits and fees for renters to keep pets.
- Lack of sufficient affordable housing to attain homeownership.
- Increasing costs of pet food and veterinary care.
- Nationwide veterinary shortages yield a backlog of spay/neuter procedures.
- Lack of knowledge of appropriate pet care.

Proposed resources:

- Pet-friendly housing legislation.
- Home-to-home owner surrender network.
- Free microchips to residents of target neighborhoods.
- Community education.
- Rebuild trust.
- Web page accessibility.
- Resources in large print and Spanish.
- Connecting local mental health professionals to assist with ESA letters.
- Local network of pet-friendly spaces for short-term placement of owned pets.

Financial Impact:

Other Information/Recommendation:

Staff recommends assembling a sub-committee to continue identifying solutions to established barriers, most crucial of which is legal review of a local ordinance prohibiting the restriction of certain breeds or sizes, limiting the amount of pet deposits and fees, and partnering with property managers to ensure families stay together.

Attachments:

Presentation:

Morgan Chegwidden

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: March 27, 2025

Item type: Regular Item

Caption:

Discussion and possible action on state and local requirements for rabies control (Presentation made by Neighborhood & Family Services Interim Director Morgan Chegwidden).

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 and local codes.

Texas Health and Safety Code 10.822 sets certain regulations for animals.

- 822.001 Definitions

Animal control authority is a municipal office with jurisdiction over the area. In San Angelo, that office is Animal Services.

Serious bodily injury is a severe bite wound that would cause a reasonable person to seek professional medical care and would require hospitalization.

Secure enclosure is a step a reasonable person would take to keep a dog on its property.

- 822.0011 Application to Certain Property

Includes property a person possesses or leases.

- 822.0012 Animal Control Authority in Certain Municipalities

Does not apply to San Angelo.

- 822.002 Seizure of a Dog Causing Death of or Serious Bodily Injury to a Person

A court shall issue a court order to the animal control authority to seize the dog with a sworn complaint and evidence of probable cause. Animal control shall impound the dog until the court orders the disposition of the dog.

- 822.003 Hearing

The court shall set a hearing within ten days with due notice to the owner and the complainant. Any party may present evidence. The court shall order the dog destroyed if the court finds that the dog caused the death of a person. If that finding is not made, the court shall order the dog released to its owner or any other person authorized to take possession of the dog.

The court may order the dog destroyed if the court finds the dog caused serious bodily injury by attacking, biting, or mauling a person. If that finding is not made, the court shall order the dog released to its owner or any other person authorized to take possession of the dog.

The court may not order the dog destroyed if the court finds (1) the dog was being used for protection, appropriately secured, and the victim was over eight years of age; (2) the victim was trespassing and was over eight years of age; (3) the dog was a police service animal; (4) the dog was defending a person from assault by the bite victim; or (5) the victim was under eight years of age, the bite occurred inside the dog's enclosure, and the enclosure was reasonably certain to prevent entry by the victim.

- 822.004 Destruction of Dog

Destruction of a dog must be performed by a veterinarian or trained staff.

- 822.005 Attack by Dog

A dog owner commits an offense if they fail to secure the dog and it makes an unprovoked attack on another person off its property or knows the dog is dangerous and the dog makes an unprovoked attack on another person out of its secure enclosure causing serious bodily injury. An offense under this section is a felony of the third degree unless the attack causes death, in which event the offense is a felony of the second degree. If a person is found guilty, the court may order the dog destroyed.

- 822.006 Defenses

It is a defense to prosecution if (1) the person is a veterinarian, vet clinic employee, peace officer, animal shelter employee, or state employee; (2) the person is an employee of the Texas Department of Criminal Justice and trains dogs for law enforcement purposes; (3) the person is a dog trainer of a guard dog company; (4) a person with a disability who uses the animal for assistance; (5) the victim was engaged in certain sections of the penal code; (6) the person and the dog were participating in an active search and rescue effort; (7) the person and the dog were participating in a dog show; (8) the person and the dog were participating in hunting, farming, or ranching activity; (9) the dog was on leash and under immediate control of the owner.

- 822.007 Local Regulations of Dogs

Allows for municipalities to adopt leash and registration requirements.

- 822.011 Dogs and Coyotes Definitions

Dog or coyote includes cross breeds between a dog and coyote. Livestock includes exotic livestock.

- 822.012 Certain Dogs and Coyotes Prohibited from Running at Large; Criminal Penalty

Owners must keep control a dog or coyote known to run, worry, or kill livestock, domestic animals, or fowl. This offense is subject to a fine of \$100 or less.

- 822.013 Dogs or Coyotes That Attack Animals

A dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals, or fowls may be killed by any person witnessing the event or the victim animal's owner. A person who kills a dog or coyote as provided by this section is not liable for damages to the owner of the suspect dog.

A person who discovers on the person's property a dog or coyote known or suspected of having killed livestock, domestic animals, or fowls may detain or impound the dog or coyote and return it to its owner or deliver the dog or coyote to the local animal control authority. The owner of the dog or coyote is liable for all costs incurred in the capture and care of the dog or coyote and all damage done by the dog or coyote. The owner shall control the dog or coyote in a manner approved by the local animal control authority.

- 822.021 - 035

Not applicable.

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- 822.041. Dangerous Dog Definitions

Animal control authority is a municipal office with jurisdiction over the area.

Dangerous dog is an animal which makes an unprovoked attack on a human victim outside its enclosure causing bodily injury.

Owner means a person who owns or has custody or control of the dog.

- 822.0411. Animal Control Authority in Certain Municipalities

Not applicable.

- 822.042. Requirements for Owner of Dangerous Dog

Within 30 days of notification, the owner must register the dog with the municipality, restrain the dog at all times, obtain liability insurance coverage of at least \$100,000, and comply with all municipal regulations. The owner of a dangerous dog who does not comply shall deliver the dog to the animal control authority not later than the 30th day after the notification. If a court finds the owner has failed to comply, the court shall order the animal seized and destroyed. The owner is responsible for all fees. The owner may appeal within ten days.

- 822.0421. Determination That Dog Is Dangerous

If a person reports an incident described by Section 822.041 (2), the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, the animal control authority shall notify the owner in writing of the determination. The owner may appeal this within 15 days.

- 822.0422. Reporting of Incident in Certain Counties and Municipalities

Not applicable.

- 822.0423. Hearing

The court shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied. Any party may present evidence. The owner may appeal the decision.

- 822.0424. Appeal

The owner may appeal the decision to the county court. A decision of the county court under this section may be appealed.

- 822.043. Registration

The animal control authority shall annually register the dangerous dog with proof of liability insurance, current rabies vaccine, and secure enclosure.

- 822.044. Attack by Dangerous Dog

A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. An offense under this section is a Class C misdemeanor and the court may order the dog destroyed.

- 822.045. Violations

A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply.

- 822.101 Dangerous Wild Animal Definitions

Animal registration agency means the municipal animal control office.

Commercial activity is an activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature or an activity for which a fee is charged and that is entertainment using or an exhibition of the animal or the selling, trading, bartering, or auctioning of a dangerous wild animal or a dangerous wild animal's body parts.

Dangerous wild animal is a lion, cougar, tiger, ocelot, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of this list.

- 822.102. Applicability of Subchapter

This subchapter does not apply to a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity; a research facility, an accredited member of the Association of Zoos and Aquariums; an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment; an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated by a licensed person or agency; a dangerous wild animal owned by and in the custody and control of a transient circus company; a dangerous wild animal while in the temporary custody of a television or motion picture production company; a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university; a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act; a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act; or in a county west of the Pecos River that has a population of less than 25,000.

- 822.103 - 116.

Not applicable. Each of these animals are prohibited inside city limits per local ordinance.

Texas Administrative Code chapter 169A sets standards for rabies control and eradication.

- 169.21 Purpose

Establish standardized rules for rabies control to protect public health.

- 169.22 Definitions

Animal is any mammal, domesticated, or wild.

Assistance animal is specially trained to help a person with a disability and (1) is used by a trained person and (2) training was by a rehabilitation agency.

Confinement is the restriction and isolation of an animal.

Currently vaccinated means an animal has been immunized for rabies with a vaccine licensed by the United States Department of Agriculture after the minimum age requirement and more than 30 days ago.

Custodian is a person who feeds, shelters, harbors, owns, has possession or control of, or responsibility of an animal.

Euthanize means causing the death of an animal by using an American Veterinary Medical Association-accepted technique, specifically rapid unconsciousness.

High-risk animals are adapted to live longer with the rabies virus increasing their chance of spreading the disease and include bats, coyotes, raccoons, skunks, and foxes.

Impoundment is the collection and confinement of an animal into an impoundment facility, a structure with enclosures in which an animal is held by the government.

The local rabies control authority is designated by the municipality and is currently Morgan Chegwiddden.

Low-risk animals are less likely to transmit rabies and includes opossums, rodents, moles, rabbits, and armadillos.

An observation period is the isolation and monitoring time after an animal has bitten or scratched, defined as 10 days for dogs, cats, and ferrets from the bite event. Other animals (not high risk) must be quarantined for 30 days.

Potential exposure is a bite in which there is probable cause to believe the animal exposed the victim to rabies.

A primary enclosure is a structure restricting an animal, such as a pen, run, or cage.

A quarantine facility is a structure where animals are held for rabies observation. San Angelo Animal Services is inspected once annually for this purpose.

To sanitize is to make visibly clean then apply a disinfectant to destroy disease-producing agents.

A suitable specimen for testing is either (1) an entire bat or rodent, (2) a head with brain and brain stem intact, or (3) a complete transverse cross section of the brain stem and tissue from either the cerebellum or hippocampus.

An unowned animal is one where a custodian has not been identified.

The zoonosis control branch is a section of the Department of State Health Services that is responsible for this chapter. San Angelo Animal Services is part of region 9/10 and works closely with the zoonosis control in El Paso.

- 169.23 Information Relating to the Control of Rabies

Zoonosis Control collects, analyzes, and prepares summaries of rabies activity.

- 169.24 Preexposure Rabies Vaccination

This should be administered to individuals whose activities place them at a higher risk of exposure. The City previously provided this to Animal Services Officers but no longer does due to low exposure rates, supply chain issues, and cost.

- 169.25 Reports of Human Exposure to Rabies

Any person with knowledge of a potential rabies exposure shall report it to the local rabies control authority. The custodian of an animal that has potentially exposed a person to rabies shall submit it for quarantine or test. The LRCA shall investigate each potential exposure.

- 169.26 Facilities for the Quarantining or Impounding of Animals

Such facilities must be structurally sound and maintained in good repair to protect animals from injury, to contain them, and to prevent illness. Reliable electric power and clean water must be available. Food and bedding must be protected from vermin. Staff shall remove and dispose of animal waste and dead animals. The manager should be an individual who has completed a training course or a veterinarian. Records should be maintained for each animal's impoundment and disposition. Heating, cooling, and lighting shall be provided. Enclosures should enable the pet to stay dry and clean.

Food should be offered at least once daily to dogs and cats. All other animals should be fed as described on the packaging. Cleaning and sanitation shall occur at least once daily. The building and premises must be kept clean.

A pest control program is required. The City contracts out this service to a private vendor.

- 169.27 Quarantine Method and Testing

A dog, cat, or ferret which has bitten shall be placed in quarantine for ten days from the bite, regardless of vaccination status. The animal may be quarantined at the animal shelter, a veterinary clinic, or at home in a secure enclosure with regular observation. Alternately, the custodian may have the animal euthanatized and submitted for testing. A domestic animal that is unowned may be euthanatized and tested.

Free-roaming high-risk animals shall be euthanatized and tested. If the suspect animal was in captivity for more than 200 days prior to the bite, the LRCA shall conduct a risk assessment to determine next steps. San Angelo Animal Services includes DSHS in these cases. Low-risk animals do not require quarantine or testing. The LRCA may exempt service animals from quarantine but still require observations of the animal's health and demeanor. Police service animals are exempt. The animal's custodian shall observe the animal and report any concerns.

Animals should not be vaccinated for rabies during the observation period.

- 169.28 Requirements of a Quarantine Facility

The facility shall adopt standard operating procedures to ensure safe and effective quarantine procedures. A quarantined animal must be separated from other animals. Handling of such animals should be minimized and include PPE. Quarantine kennels must be identified with signage.

At least annually, DSHS will inspect quarantine and impound facilities. Deficiencies will be documented and corrected in a timely manner.

- 169.29 Vaccination Requirement

An animal's custodian shall have the animal vaccinated by 16 weeks of age under the direct supervision of a veterinarian with a USDA licensed vaccine. The attending veterinarian has discretion as to when the subsequent vaccination will be scheduled as long as the re-vaccination due date does not exceed the recommended interval for booster vaccination. Livestock, ferrets, and wolf-dog hybrids should be rabies vaccinated. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against the rabies virus. An official certificate shall be issued for each rabies vaccine.

- 169.30 Disposition of Domestic Animals Exposed to Rabies

Animals which are not currently vaccinated and have been exposed to a rabid animal shall be (1) euthanatized or (2) immediately vaccinated and isolated for 90 days. Animals which are currently vaccinated and have been exposed to a rabid animal shall be (1) euthanatized or (2) immediately given a booster vaccine and isolated for 45 days.

- 169.31 Interstate Movement of Dogs and Cats into Texas

Dogs and cats over 12 weeks of age shall be admitted to Texas when currently vaccinated against the rabies virus.

- 169.32 International Movement of Dogs and Cats into Texas

Custodians must comply with federal regulations. DSHS may require the LRCA to monitor the animal(s).

- 169.33 Submission of Specimens for Laboratory Examination

Specimens should be prepared for shipment with no damage to the brain. Only the head should be submitted, unless a bat or rodent. The specimen must be refrigerated between 32 and 45 degrees Fahrenheit, never frozen. The shipment must be compliant with federal regulations, prevent leakage, and be labeled "rabies identification team laboratory services section - refrigerate on arrival". A completed form G9 must be included.

- 169.34 Statewide Quarantine

The Executive Commissioner of the Health and Human Services Commission may declare a statewide quarantine preventing the movement of animals.

San Angelo city ordinance further provides requirements for local animal control and pet owners.

- 3.01.005 Duties of Animal Services Director

This section references a description, not a specific job title at the City. This role is currently performed by the Assistant Director of Neighborhood & Family Services. This individual is responsible for the enforcement of chapter three.

- 3.01.006 Local Rabies Control Authority

The individual described above shall be the LRCA for the City limits only. Since the City does not have this specific job title, City Council named Morgan Chegwiddden by resolution in 2017.

- 3.01.007 Vaccination Required

All dogs, cats, ferrets, and pot-bellied pigs must be vaccinated against rabies by the time the animal is four months of age, again at 12 months of age, and every one- or three-years after as recommended by the owner's veterinarian. The veterinarian shall issue a vaccination certificate in accordance with the state board of health.

- 3.01.008 Diseased Animals

Owners shall not keep animals or fowl infected with diseases which may spread to other animals. Considerations may be made for owners seeking appropriate medical care for treatable illnesses and practicing isolation techniques to prevent others from getting sick.

- 3.01.010 Persons Bitten by Dog, Cat or other animal

This section requires quarantine for an animal which bites or scratches a person or other animal to determine whether the animal shows signs of the rabies virus. Internally, we interpret this as any mammal that bites or is bitten by another mammal, as other animal species such as reptiles and fowl cannot transmit the rabies virus. If the incident is an animal-to-animal bite or scratch, both the suspect and victim animals must be quarantined.

The animal shall be quarantined for ten days from the date of the bite/scratch. The quarantine can be in a secure enclosure or building to prevent escape and/or exposure to people or other animals. Staff defers to state law which provides for quarantine at (1) the animal shelter, (2) a veterinary clinic, or (3) the owner's home.

Each hour an owner fails to comply with an order to quarantine is a violation subject to citation. The order to quarantine is handed to the pet owner or posted at the subject property. Animal Services Officers document the presentation of this notice with a time-stamped photograph.

This ordinance states that suspected animals known to carry rabies shall be immediately delivered to the City animal shelter for examination by a veterinarian. The veterinarian may determine that euthanasia and testing is required. This section is difficult to enforce as the phrase "known to carry rabies" is impossible to know without testing. All mammals can carry rabies, but some are at higher risk than others. State law requires euthanasia and testing for foxes, coyotes, bats, raccoons, or skunks which have bitten or scratched people and City staff defer to that language.

Quarantine arrangements must be made within 24 hours of the notice. Whether quarantined at the shelter or offsite, the Animal Services Officer shall observe the animal on the first and last day. Both state law and local ordinance require a veterinarian's examination to release an animal from quarantine but this is difficult to accomplish and a common issue with Texas shelters.

Animals released from quarantine shall be vaccinated for rabies if not current. Animal Services Officers notify the owner of this requirement, as well as spay/neuter and microchip, and give a deadline for compliance if not yet current.

The owner shall pay the necessary fees. If quarantined at the animal shelter, the fee is \$36.00 for impound, \$10.00 nightly boarding, and \$13.00 for microchip if not yet complete.

Animals who show signs of rabies during quarantine, such as unexplained paralysis, may be euthanized and tested by a veterinarian's recommendation.

If an animal bites or is bitten by another animal that is later proven to have contracted the rabies virus, the surviving animal shall:

- Receive a rabies booster and be isolated for 45 days if current on the rabies vaccine.
- Be isolated for 90 days then get a booster if not current on the rabies vaccine.

Such an animal may be euthanized.

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|---|
| 1. | State Health and Safety Code 822 | State Health and Safety Code 822.pdf |
| 2. | Texas Administrative Code 169A Rabies Control and Eradication | Texas Administrative Code 169A Rabies Control and Eradication.pdf |
| 3. | San Angelo, TX Code of Ordinances 3.01.0x | San Angelo, TX Code of Ordinances 3.01.0x.pdf |

Presentation:

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Final Approval

**HEALTH AND SAFETY CODE
TITLE 10. HEALTH AND SAFETY OF ANIMALS
CHAPTER 822. REGULATION OF ANIMALS**

SUBCHAPTER A. GENERAL PROVISIONS; DOGS THAT ATTACK PERSONS OR ARE A DANGER TO PERSONS

Section 822.001. Definitions.

In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area in which the dog is kept or the county sheriff in an area that does not have an animal control office.

(2) "Serious bodily injury" means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

(3) "Dangerous dog," "dog," "owner," and "secure enclosure" have the meanings assigned by Section 822.041.

(4) "Secure" means to take steps that a reasonable person would take to ensure a dog remains on the owner's property, including confining the dog in an enclosure that is capable of preventing the escape or release of the dog.

Amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997. Amended by: Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 3, eff. September 1, 2007.

Section 822.0011. Application to Certain Property.

For purposes of this subchapter, a person's property includes property the person is entitled to possess or occupy under a lease or other agreement.

Added by Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 4, eff. September 1, 2007.

Sec. 822.0012. Animal Control Authority in Certain Municipalities.

(a) This section applies only to an incorporated municipality that has a population of more than 1,000 and that is the county seat of a county with a population of 1,380 or more but less than 1,600.

(b) Notwithstanding the definition in Section 822.001(1), for purposes of this subchapter the police department of a municipality described by Subsection (a) is the animal control authority for the municipality in all areas in which a dog is kept and that are subject to the authority of the police department.

Added by Acts 2017, 85th Leg., R.S., Ch. 976 (S.B. 2283), Sec. 1, eff. September 1, 2017.

Section 822.002. Seizure of a Dog Causing Death of or Serious Bodily Injury to a Person.

(a) A justice court, county court, or municipal court shall order the animal control authority to seize a dog and shall issue a warrant authorizing the seizure:

(1) on the sworn complaint of any person, including the county attorney, the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and

(2) on a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.

(b) The animal control authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.001 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Section 822.003. Hearing.

(a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(b) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the dog or the person from whom the dog was seized; and

(2) the person who made the complaint.

(c) Any interested party, including the county attorney or city attorney, is entitled to present evidence at the hearing.

(d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

(1) its owner;

(2) the person from whom the dog was seized; or

(3) any other person authorized to take possession of the dog.

(e) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

(1) its owner;

(2) the person from whom the dog was seized; or

(3) any other person authorized to take possession of the dog.

(f) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person and:

(1) the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

(A) the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog; and

(B) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(2) the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(3) the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

(4) the dog was defending a person from an assault or person's property from damage or theft by the injured person; or

(5) the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.002 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Section 822.004. Destruction of Dog.

The destruction of a dog under this subchapter must be performed by:

- (1) a licensed veterinarian;
- (2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or
- (3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.003 by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Section 822.005. Attack by Dog.

(a) A person commits an offense if the person is the owner of a dog and the person:

(1) with criminal negligence, as defined by Section 6.03, Penal Code, fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owner's real property or in or on the owner's motor vehicle or boat and that causes serious bodily injury, as defined by Section 1.07, Penal Code, or death to the other person; or

(2) knows the dog is a dangerous dog by learning in a manner described by Section 822.042(g) that the person is the owner of a dangerous dog, and the dangerous dog makes an unprovoked attack on another person that occurs at a location other than a secure enclosure in which the dog is restrained in accordance with Subchapter D and that causes serious bodily injury, as defined by Section 822.001, or death to the other person.

(b) An offense under this section is a felony of the third degree unless the attack causes death, in which event the offense is a felony of the second degree.

(c) If a person is found guilty of an offense under this section, the court may order the dog destroyed by a person listed in Section 822.004.

(d) A person who is subject to prosecution under this section and under any other law may be prosecuted under this section, the other law, or both.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.004 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997. Amended by: Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 5, eff. September 1, 2007.

Section 822.006. Defenses.

(a) It is a defense to prosecution under Section 822.005(a) that the person is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by a recognized animal shelter, or a person employed by this state or a political subdivision of this state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(b) It is a defense to prosecution under Section 822.005(a) that the person is an employee of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person's official capacity.

(c) It is a defense to prosecution under Section 822.005(a) that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code, and has temporary ownership, custody, or control of the dog in connection with that position.

(d) It is a defense to prosecution under Section 822.005(a) that the person is a person with a disability and uses the dog to provide assistance, the dog is trained to provide assistance to a person with a disability, and the person is using the dog to provide assistance in connection with the person's disability.

(e) It is a defense to prosecution under Section 822.005(a) that the person attacked by the dog was at the time of the attack engaged in conduct prohibited by Chapters 19, 20, 21, 22, 28, 29, and 30, Penal Code.

(f) It is an affirmative defense to prosecution under Section 822.005(a) that, at the time of the conduct charged, the person and the dog are participating in an organized search and rescue effort at the request of law enforcement.

(g) It is an affirmative defense to prosecution under Section 822.005(a) that, at the time of the conduct charged, the person and the dog are participating in an organized dog show or event sponsored by a nationally recognized or state-recognized kennel club.

(h) It is an affirmative defense to prosecution under Section 822.005(a) that, at the time of the conduct charged, the person and the dog are engaged in:

(1) a lawful hunting activity; or

(2) a farming or ranching activity, including herding livestock, typically performed by a working dog on a farm or ranch.

(i) It is a defense to prosecution under Section 822.005(a) that, at the time of the conduct charged, the person's dog was on a leash and the person:

(1) was in immediate control of the dog; or

(2) if the person was not in control of the dog, the person was making immediate and reasonable attempts to regain control of the dog.

Added by Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 6, eff. September 1, 2007. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1598, eff. April 2, 2015.

Section 822.007. Local Regulation of Dogs.

This subchapter does not prohibit a municipality or county from adopting leash or registration requirements applicable to dogs.

Added by Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 6, eff. September 1, 2007.

[Sections 822.008 to 822.010 reserved for expansion]

SUBCHAPTER B. DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS

Section 822.011 Definitions.

In this subchapter:

(1) “Dog or coyote” includes a crossbreed between a dog and a coyote.

(2) “Livestock” includes exotic livestock as defined by Section 161.001, Agriculture Code.

Added by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

Section 822.012. Certain Dogs and Coyotes Prohibited From Running at Large; Criminal Penalty.

(a) The owner, keeper, or person in control of a dog or coyote that the owner, keeper, or person knows is accustomed to run, worry, or kill livestock, domestic animals, or fowls may not permit the dog or coyote to run at large.

(b) A person who violates this section commits an offense. An offense under this subsection is punishable by a fine of not more than \$100.

(c) Each time a dog or coyote runs at large in violation of this section constitutes a separate offense.

Added by Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.011 and amended by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

Section 822.013. Dogs or Coyotes That Attack Animals.

(a) A dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals, or fowls may be killed by:

(1) any person witnessing the attack; or

(2) the attacked animal's owner or a person acting on behalf of the owner if the owner or person has knowledge of the attack.

(b) A person who kills a dog or coyote as provided by this section is not liable for damages to the owner, keeper, or person in control of the dog or coyote.

(c) A person who discovers on the person's property a dog or coyote known or suspected of having killed livestock, domestic animals, or fowls may detain or impound the dog or coyote and return it to its owner or deliver the dog or coyote to the local animal control authority. The owner of the dog or coyote is liable for all costs incurred in the capture and care of the dog or coyote and all damage done by the dog or coyote.

(d) The owner, keeper, or person in control of a dog or coyote that is known to have attacked livestock, domestic animals, or fowls shall control the dog or coyote in a manner approved by the local animal control authority.

(e) A person is not required to acquire a hunting license under Section 42.002, Parks and Wildlife Code, to kill a dog or coyote under this section.

Added by Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from Health & Safety Code Sec. 822.033 and amended by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

[Sections 822.014 to 822.020 reserved for expansion]

SUBCHAPTER C. COUNTY REGISTRATION AND REGULATION OF DOGS

Section 822.021. Application to Counties That Adopt Subchapter.

This subchapter applies only to a county that adopts this subchapter by a majority vote of the qualified voters of the county voting at an election held under this subchapter. This subchapter shall not apply to any county or municipality that enacts or has enacted registration or restraint laws pursuant to Chapter 826 (Rabies Control Act of 1981).

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 489, Sec. 1, eff. Aug. 28, 1995.

Section 822.022. Petition for Election.

(a) On receiving a petition signed by at least 100 qualified property taxpaying voters of the county or a majority of the qualified property taxpaying voters of the county, whichever is less, the commissioners court of a county shall order an election to determine whether the registration of and registration fee for dogs will be required in the county.

(b) The election shall be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law.

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

Section 822.023. Notice.

In addition to the notice required by Section 4.003, Election Code, notice of an election under this subchapter shall be published at least once in an English language newspaper of general circulation in the county. If there is no English language newspaper of general circulation in the county, the notice shall be posted at the courthouse door for at least one week before the election.

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

Section 822.024. Ballot Proposition.

The ballot for an election under this subchapter shall be printed to provide for voting for or against the proposition: "Registration of and registration fee for dogs."

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

Section 822.025. Election Result.

(a) If a majority of those voting at the election vote in favor of the measure, the requirement that dogs be registered takes effect in the county on the 10th day after the date on which the result of the election is declared.

(b) The county judge shall issue a proclamation declaring the result of the election if the vote is in favor of the measure. The proclamation shall be published at least once in an English language newspaper of general circulation in the county or, if there is no English language newspaper of general circulation in the county, the proclamation shall be posted at the courthouse door.

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

Section 822.026. Interval Between Elections.

(a) If the result of an election is against the registration of and registration fee for dogs, another election on that subject may not be held for six months after the date of the election.

(b) If the result of an election is for the registration of and registration fee for dogs, an election to repeal the registration and fee may not be held for two years from the date of the election.

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

Section 822.027. Registration Tags and Certificate.

(a) The commissioners court of a county shall furnish the county treasurer the necessary dog identification tags.

(b) The tags must be numbered consecutively and must be printed or impressed with the name of the county issuing the tags.

(c) The county treasurer shall assign a registration number to each dog registered with the county and shall give the owner or person having control of the dog the identification tag and a registration certificate.

(d) The county treasurer shall record the registration of a dog, including the age, breed, color, sex, and registration date of the dog. If the registration information is not recorded on microfilm, as may be permitted under other law, it shall be recorded in a book kept for that purpose.

(e) If the ownership of a dog is transferred, the dog's registration certificate shall be transferred to the new owner.

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

Section 822.028. Registration Fee.

(a) An owner of a dog registered under this subchapter must pay a registration fee of \$1. However, the commissioners court of the county may set the fee in an amount of more than \$1 but not more than \$5, and if the court sets the amount of the fee the owner must pay that amount.

(b) Registration is valid for one year from the date of registration.

(c) If a dog is moved to another county, the owner may present the registration certificate to the county treasurer of the county to which the dog is moved and receive without additional cost a registration certificate. The new registration certificate is valid for one year from the date of registration in the county from which the dog was moved.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2001, 77th Leg., ch. 870, Sec. 1, eff. June 14, 2001.

Section 822.029. Disposition of Fee.

(a) The fee collected for the registration of a dog shall be deposited to the credit of a special fund of the county and used only to:

(1) defray the cost of administering this subchapter in the county, including the costs of registration and the identification tags; and

(2) reimburse the owner of any sheep, goats, calves, or other domestic animals or fowls killed in the county by a dog not owned by the person seeking reimbursement.

(b) Reimbursement under Subsection (a)(2) shall be made on the order of the commissioners court only on satisfactory proof of the killing.

(c) The commissioners court shall determine the amount and time of reimbursement. If there is insufficient money in the fund to reimburse all injured persons in full, reimbursement shall be made on a pro rata basis.

(d) The county treasurer shall keep an accurate record showing all amounts received into and paid from the fund.

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

Section 822.030. Registration Required; Exception for Temporary Visits.

(a) The owner or person having control of a dog six months of age or older in a county that has adopted this subchapter must register the dog not later than the 30th day after the date on which the proclamation is published or adopted.

(b) A dog brought into a county for not more than 10 days for breeding purposes, trial, or show is not required to be registered.

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

Section 822.031. Unregistered Dogs Prohibited From Running at Large.

The owner or person having control of a dog at least six months of age in a county adopting this subchapter may not allow the dog to run at large unless the dog:

(1) is registered under this subchapter with the county in which the dog runs at large; and

(2) has fastened about its neck a dog identification tag issued by the county.

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

[Sections 822.032 to 822.034 reserved for expansion]

Section 822.035. Criminal Penalty.

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

(1) fails or refuses to register a dog required to be registered under this subchapter;

(2) fails or refuses to allow a dog to be killed when ordered by the proper authorities to do so; or

(3) violates this subchapter.

(b) An offense under this section is a misdemeanor punishable by a fine of not more than \$100, confinement in the county jail for not more than 30 days, or both.

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

SUBCHAPTER D. DANGEROUS DOGS

Section 822.041. Definitions.

In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or structure that is:

(A) locked;

(B) capable of preventing the entry of the general public, including children;

(C) capable of preventing the escape or release of a dog;

(D) clearly marked as containing a dangerous dog; and

(E) in conformance with the requirements for enclosures established by the local animal control authority.

(5) "Owner" means a person who owns or has custody or control of the dog.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

Sec. 822.0411. Animal Control Authority in Certain Municipalities.

(a) This section applies only to an incorporated municipality that has a population of more than 1,000 and that is the county seat of a county with a population of 1,380 or more but less than 1,600.

(b) Notwithstanding the definition in Section 822.041(1), for purposes of this subchapter the police department of a municipality described by Subsection (a) is the animal control authority for the municipality in all areas in which a dog is kept and that are subject to the authority of the police department.

Added by Acts 2017, 85th Leg., R.S., Ch. 976 (S.B. 2283), Sec. 2, eff. September 1, 2017.

Section 822.042. Requirements for Owner of Dangerous Dog.

(a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1) register the dangerous dog with the animal control authority for the area in which the dog is kept;

(2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and

(4) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided by Section 822.0423, that the owner of a dangerous dog has failed to comply with Subsection (a) or (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(d) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality or county may prescribe the amount of the fees.

(e) Subject to Subsection (e-1), the court shall order the animal control authority to humanely destroy the dog if the owner has not complied with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

(e-1) Notwithstanding any other law or local regulation:

(1) any order to destroy a dog is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal; and

(2) a court, including a justice court, may not order the destruction of a dog during the pendency of an appeal under Section 822.0424.

(f) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) the owner knows of an attack described in Section 822.041 (2)(A) or (B);

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under Section 822.0423; or

(3) the owner is informed by the animal control authority that the dog is a dangerous dog under Section 822.0421.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 96, Sec. 1, eff. May 17, 1999. Amended by: Acts 2015, 84th Leg., R.S., Ch. 530 (H.B. 1436), Sec. 1, eff. September 1, 2015. Acts 2021, 87th Leg., R.S., Ch. 899 (H.B. 3340), Sec. 1, eff. September 1, 2021.

Section 822.0421. Determination That Dog Is Dangerous.

(a) If a person reports an incident described by Section 822.041 (2), the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, the animal control authority shall notify the owner in writing of the determination.

(b) Notwithstanding any other law, including a municipal ordinance, an owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction.

(c) To file an appeal under Subsection (b), the owner must:

(1) file a notice of appeal of the animal control authority's dangerous dog determination with the court;

(2) attach a copy of the determination from the animal control authority; and

(3) serve a copy of the notice of appeal on the animal control authority by mailing the notice through the United States Postal Service.

(d) An owner may appeal the decision of the justice or municipal court under Subsection (b) in the manner described by Section 822.0424.

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997. Amended by: Acts 2015, 84th Leg., R.S., Ch. 530 (H.B. 1436), Sec. 2, eff. September 1, 2015.

Section 822.0422. Reporting of Incident in Certain Counties and Municipalities.

(a) This section applies only to a county with a population of more than 2,800,000, to a county in which the commissioners court has entered an order electing to be governed by this section, and to a municipality in which the governing body has adopted an ordinance electing to be governed by this section.

(b) A person may report an incident described by Section 822.041 (2) to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(c) If the owner fails to deliver the dog as required by Subsection (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(d) The court shall determine, after notice and hearing as provided in Section 822.0423, whether the dog is a dangerous dog.

(e) The court, after determining that the dog is a dangerous dog, may order the animal control authority to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under Section 822.042 and the dog is returned to the owner or destroyed.

(f) The owner shall pay a cost or fee assessed under Section 822.042(d).

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 96, Sec. 2, eff. May 17, 1999.

Section 822.0423. Hearing.

(a) The court, on receiving a report of an incident under Section 822.0422 or on application under Section 822.042(c), shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with Section 822.042. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.

(b) The court shall give written notice of the time and place of the hearing to:

- (1) the owner of the dog or the person from whom the dog was seized; and
- (2) the person who made the complaint.

(c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(c-1) The court shall determine the estimated costs to house and care for the impounded dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.

(d) An owner or person filing the action may appeal the decision of the municipal or justice court in the manner described by Section 822.0424.

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997. Amended by: Acts 2015, 84th Leg., R.S., Ch. 530 (H.B. 1436), Sec. 3, eff. September 1, 2015.

Sec. 822.0424. Appeal.

(a) A party to an appeal under Section 822.0421(d) or a hearing under Section 822.0423 may appeal the decision to a county court or county court at law in the county in which the justice or municipal court is located and is entitled to a jury trial on request.

(b) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the decision is issued, the appellant must file a notice of appeal and, if applicable, an appeal bond in the amount determined by the court from which the appeal is taken.

(c) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.

(d) A decision of a county court or county court at law under this section may be appealed in the same manner as an appeal for any other case in a county court or county court at law.

(e) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 530 (H.B. 1436), Sec. 4, eff. September 1, 2015.

Section 822.043. Registration.

(a) An animal control authority for the area in which the dog is kept shall annually register a dangerous dog if the owner:

(1) presents proof of:

- 822.042;
- (A) liability insurance or financial responsibility, as required by Section
 - (B) current rabies vaccination of the dangerous dog; and
 - (C) the secure enclosure in which the dangerous dog will be kept; and

(2) pays an annual registration fee of \$50.

(b) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of \$25, the animal control authority shall issue a new registration tag to be placed on the dangerous dog's collar.

(d) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

Section 822.044. Attack by Dangerous Dog.

(a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

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

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Section 822.004.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 669, Sec. 8, eff. September 1, 2007.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by: Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 7, eff. September 1, 2007. Acts 2007, 80th Leg., R.S., Ch. 669 (H.B. 1355), Sec. 8, eff. September 1, 2007.

Section 822.045. Violations.

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 822.042 or Section 822.0422 (b) or an applicable municipal or county regulation relating to dangerous dogs.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997.

Section 822.046. Defense.

(a) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(b) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(c) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.809, eff. Sept. 1, 2001.

Section 822.047. Local Regulation of Dangerous Dogs.

A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

- (1) are not specific to one breed or several breeds of dogs; and
- (2) are more stringent than restrictions provided by this subchapter.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

SUBCHAPTER E. DANGEROUS WILD ANIMALS

Section 822.101. Definitions.

In this subchapter:

(1) "Animal registration agency" means the municipal or county animal control office with authority over the area where a dangerous wild animal is kept or a county sheriff in an area that does not have an animal control office.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(119), eff. April 2, 2015.

(3) "Commercial activity" means:

(A) an activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature;

(B) an activity for which a fee is charged and that is entertainment using or an exhibition of the animal; or

(C) the selling, trading, bartering, or auctioning of a dangerous wild animal or a dangerous wild animal's body parts.

(4) "Dangerous wild animal" means:

- (A) a lion;
- (B) a tiger;
- (C) an ocelot;
- (D) a cougar;
- (E) a leopard;
- (F) a cheetah;
- (G) a jaguar;

- (H) a bobcat;
- (I) a lynx;
- (J) a serval;
- (K) a caracal;
- (L) a hyena;
- (M) a bear;
- (N) a coyote;
- (O) a jackal;
- (P) a baboon;
- (Q) a chimpanzee;
- (R) an orangutan;
- (S) a gorilla; or
- (T) any hybrid of an animal listed in this subdivision.

(4-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Owner" means any person who owns, harbors, or has custody or control of a dangerous wild animal.

(6) "Person" means an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.

(7) "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1599, eff. April 2, 2015. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(119), eff. April 2, 2015.

Section 822.102. Applicability of Subchapter.

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the Association of Zoos and Aquariums;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(5) an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6) a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:

(A) the animal is used as an integral part of the circus performances; and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species; and

(B) an integral part of that species survival plan; and

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the cougar, bobcat, or coyote as part of a predator or depredation control activity.

(b) This subchapter does not require a municipality that does not have an animal control office to create that office.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001. Amended by: Acts 2005, 79th Leg., Ch. 992 (H.B. 2026), Sec. 31, eff. June 18, 2005. Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1600, eff. April 2, 2015.

Section 822.103. Certificate of Registration; Fees.

(a) A person may not own, harbor, or have custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency.

(b) A certificate of registration issued under this subchapter is not transferrable and is valid for one year after its date of issuance or renewal unless revoked.

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant may not exceed \$50 for each animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.104. Certificate of Registration Application.

(a) An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with an animal registration agency on a form provided by the animal registration agency.

(b) The application must include:

(1) the name, address, and telephone number of the applicant;

(2) a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;

(3) the exact location where each animal is to be kept;

(4) a sworn statement that:

(A) all information in the application is complete and accurate; and

(B) the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; and

(5) any other information the animal registration agency may require.

(c) An applicant shall include with each application:

- (1) the nonrefundable fee;
- (2) proof, in a form acceptable by the animal registration agency, that the applicant has liability insurance, as required by Section 822.107;
- (3) a color photograph of each animal being registered taken not earlier than the 30th day before the date the application is filed;
- (4) a photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and
- (5) if an applicant holds a Class "A" or Class "B" dealer's license or Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, a clear and legible photocopy of the license.

(d) In addition to the items required under Subsection (c), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the veterinarian:

- (1) inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and
- (2) finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.105. Denial or Revocation of Certificate of Registration; Appeal.

(a) If the animal registration agency finds that an application for an original or renewal certificate of registration under this subchapter does not meet the requirements of Section 822.104 or, after inspection, that an applicant has not complied with this subchapter, the animal registration agency shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.

(b) If the animal registration agency finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with this subchapter, the animal registration agency shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.

(c) A person may appeal the denial of an original or renewal certificate of registration or the revocation of a certificate of registration to the justice court for the precinct in which the

animal is located or the municipal court in the municipality in which the animal is located not later than the 15th day after the date the certificate of registration is denied or revoked. Either party may appeal the decision of the justice or municipal court to a county court or county court at law in the county in which the justice or municipal court is located. The decision of the county court or county court at law may not be appealed.

(d) The filing of an appeal of the denial or revocation of a certificate of registration under Subsection (c) stays the denial or revocation until the court rules on the appeal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.106. Display of Certificate of Registration.

(a) A holder of a certificate of registration shall prominently display the certificate at the premises where each animal that is the subject of the certificate of registration is kept.

(b) Not later than the 10th day after the date a person receives a certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Department of State Health Services. The executive commissioner shall establish a procedure for filing a certificate of registration and by rule shall establish a reasonable fee to be collected by the department in an amount sufficient to recover the cost associated with filing a certificate of registration under this subsection.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1601, eff. April 2, 2015.

Section 822.107. Liability Insurance.

An owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.108. Inspection.

An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.109. Relocation or Disposition of Animal.

(a) An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies the animal registration agency in writing of the exact location to which the animal will be relocated and provides the animal registration agency, with respect to the new location, the information required by Section 822.104.

(b) Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing of the death, sale, or other disposition.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.110. Attack by Animal; Escape of Animal; Liability.

(a) An owner of a dangerous wild animal shall notify the animal registration agency of any attack of a human by the animal within 48 hours of the attack.

(b) An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal.

(c) An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.

(d) An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.111. Powers and Duties of Executive Commissioner; Caging Requirements and Standards.

(a) The executive commissioner by rule shall establish caging requirements and standards for the keeping and confinement of a dangerous wild animal to ensure that the animal is kept in a manner and confined in a primary enclosure that:

- (1) protects and enhances the public's health and safety;
- (2) prevents escape by the animal; and
- (3) provides a safe, healthy, and humane environment for the animal.

(b) An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the executive commissioner.

(c) An animal registration agency may approve a deviation from the caging requirements and standards established by the executive commissioner, only if:

(1) the animal registration agency has good cause for the deviation; and

(2) the deviation:

(A) does not compromise the public's health and safety;

(B) does not reduce the total area of the primary enclosure below that established by the executive commissioner; and

(C) does not otherwise adversely affect the overall welfare of the animal involved.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1602, eff. April 2, 2015.

Section 822.112. Care, Treatment, and Transportation of Animal.

(a) For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act relating to:

(1) facilities and operations;

(2) animal health and husbandry; and

(3) veterinary care.

(b) An owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care and shall make the log available to the animal registration agency or its agent on request. The log must:

(1) identify the animal treated;

(2) provide the date of treatment;

(3) describe the type or nature of treatment; and

(4) provide the name of the attending veterinarian, if applicable.

(c) When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments or the regulations adopted under that Act.

(d) A person is exempt from the requirements of this section if the person is caring for, treating, or transporting an animal for which the person holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.113. Offense and Penalty.

(a) A person commits an offense if the person violates Section 822.103 (a), Section 822.106, or Section 822.110 (a) or (b). Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(b) A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this subchapter.

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

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.114. Civil Penalty.

(a) A person who violates Section 822.103 (a) is liable for a civil penalty of not less than \$200 and not more than \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.

(b) The county or municipality in which the violation occurs may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county or municipality.

(c) The county or municipality in which the violation occurs may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for the animal registration agency's expenditures was made.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.115. Injunction.

Any person who is directly harmed or threatened with harm by a violation of this subchapter or a failure to enforce this subchapter may sue an owner of a dangerous wild animal to enjoin a violation of this subchapter or to enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Section 822.116. Effect of Subchapter on Other Law.

(a) This subchapter does not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of this state or a political subdivision of this state.

(b) This subchapter does not prevent a municipality or county from prohibiting or regulating by ordinance or order the ownership, possession, confinement, or care of a dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Legislative update 2023 (HB 4559) inserted by Department of State Health Services Zoonosis Control: amended Sections 822.0012 and 822.0411.

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

§169.21. Purpose.

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

The provisions of this §169.21 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.22. Definitions.

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

- (1) Animal--Any mammal, domesticated or wild.
- (2) Assistance animal--An animal that is specially trained or equipped to help a person with a disability and that:
 - (A) is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and
 - (B) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.
- (3) Cat--Any domestic cat, excluding hybrids.
- (4) Confinement--The restriction of an animal to an area, in isolation from other animals and people, except for contact necessary for its care.
- (5) Currently vaccinated--Vaccinated and satisfying all the following criteria.
 - (A) The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that species at or after the minimum age requirement and using the recommended route of administration for the vaccine.
 - (B) At least 30 days have elapsed since the initial vaccination.

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

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

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

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

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

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

(11) Euthanize--To cause the death of an animal implementing a technique that is in accordance with the methods, recommendations, and procedures prepared by the American Veterinary Medical Association (AVMA) and set forth in the latest edition of the *AVMA Guidelines on Euthanasia* and:

(A) rapidly produces unconsciousness and death with minimal pain or distress; or

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

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

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

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

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

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

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

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

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

(20) Observation period – The time following a potential rabies exposure during which the health status of the animal responsible for the potential exposure must be monitored. The observation period for dogs, cats, and domestic ferrets (only) is 10 days (240 hours); the observation period for other animals, not including those defined as high risk, unless otherwise specified in §169.27 of this title (relating to Quarantine Method and Testing), or low risk, is 30 days. All observation periods are calculated from the time of the potential exposure.

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

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

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

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

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

(26) Sanitize--To make visibly clean followed by the use of a disinfectant to destroy disease-producing agents.

(27) Suitable Specimen--For rabies testing, a whole bat or small rodent, a head with brain and brain stem intact, or a complete transverse cross section of the brain stem and tissue from at least one of the following: cerebellum and/or hippocampus.

(28) Unowned animal--Any animal for which a custodian has not been identified.

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

(30) Veterinarian--A person licensed to practice veterinary medicine in the United States.

(31) Zoonosis Control Branch--The branch within the department to which the responsibility for administering this subchapter is assigned.

The provisions of this §169.22 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective February 18, 2003, 28 TexReg 1389; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.23. Information Relating to the Control of Rabies.

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

The provisions of this §169.23 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 5, 1982, 7 TexReg 744; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.24. Preexposure Rabies Vaccination.

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

The provisions of this §169.24 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.25. Reports of Human Exposure to Rabies.

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

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

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

The provisions of this §169.25 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 5, 1982, 7 TexReg 744; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.26. Facilities for the Quarantining or Impounding of Animals.

(a) Generally.

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

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

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

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

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

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

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

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

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

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

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

(12) Primary enclosures. Primary enclosures should be designed based upon enclosure guidelines prepared by The Association of Shelter Veterinarians and set forth in the latest edition of the *Guidelines for Standards of Care in Animal Shelters*. Primary enclosures shall:

(A) be structurally sound and maintained in good repair;

(B) provide convenient access to clean food and water;

(C) enable the animal to remain dry and clean;

(D) be constructed and maintained so that the surfaces are impervious to moisture and may be readily sanitized;

(E) be constructed so as to protect the animal's feet and legs from injury; and

(F) provide sufficient space to allow each animal to make normal postural adjustments without touching the top of the enclosure, including turning freely, standing easily, sitting, stretching, moving its head, lying in a comfortable position with limbs extended, and moving and assuming a comfortable posture for feeding, drinking, urinating, and defecating.

(b) Feeding.

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

(2) Dogs and cats shall be fed at least once a day or more often as appropriate for the age and condition of the animal, except as directed by a veterinarian.

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

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

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

(c) Watering. If fresh, clean water is not accessible to all animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a

veterinarian. Drinking bottles may be used for animals acclimated to their use. Domestic ferrets shall have fresh, clean water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) Sanitation.

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

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

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

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained. The facility shall be free of visible signs of rodents and keep other vermin infestations to a minimum at all times. Each pesticide must be used in accordance with its manufacturer's label instructions.

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

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

The provisions of this §169.26 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective February 18, 2003, 28 TexReg 1389; amended to be effective July 21, 2004, 29 TexReg 6936; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.27. Quarantine Method and Testing.

(a) When a dog, cat, or domestic ferret that has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code, §826.002, until the end of the 10-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met.

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

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

(3) During the confinement period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.

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

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

(b) If the potential rabies exposure described in subsection (a) of this section occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides.

(c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanatized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department's website or may be obtained from any of the department's regional Zoonosis Control offices.

(d) A domestic animal that has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanatized. If the animal is euthanatized, a suitable specimen shall be submitted for rabies testing.

(e) "Free-roaming animals" as used in this section includes animals that have been in captivity less than 200 days immediately prior to the potential exposure and those that are not in captivity. If the animal implicated in the potential exposure is a free-roaming high-risk animal, it shall be euthanatized and a suitable specimen submitted for rabies testing. If the animal implicated in the potential exposure is a high-risk animal that has been in captivity without contact with free-roaming animals for 200 days or more immediately prior to the potential exposure or is less than 200 days old, has always been in captivity without contact with free-roaming animals, and is the progeny of a dam that has been in captivity without contact with free-roaming animals for 200 days or more immediately prior to the potential exposure, the local rabies control authority shall conduct a risk assessment to gauge the probability that the animal could have been exposed to rabies and, therefore, poses a public health risk. If the probability that the animal implicated in the potential exposure could have had animal contact conducive to rabies transmission is low and the potential exposure poses a negligible public health risk, the local rabies control authority may require that the animal involved in the potential exposure be quarantined at a department-licensed quarantine

facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for a 30-day observation period as an alternative to euthanatizing and testing. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

(f) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be euthanatized and a suitable specimen submitted for rabies testing.

(g) The local rabies control authority may require an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person to be euthanatized. If the animal is euthanatized, a suitable specimen shall be submitted for rabies testing.

(h) If the animal implicated in the potential exposure is not included in subsections (a), (b), (c), (d), (f), or (g) of this section or the portion of subsection (e) of this section pertaining to a free-roaming high-risk animal, the animal either will be euthanatized and a suitable specimen submitted for rabies testing or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to euthanatizing and testing. The local rabies control authority's decision on whether to quarantine or euthanize and test those other animals described in subsection (e) of this section will be determined by risk-assessment parameters as described in subsection (e) of this section. If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides. During the observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

(i) Any animal required to be quarantined under this section that cannot be maintained in secure quarantine shall be euthanatized and a suitable specimen submitted for rabies testing.

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

(k) At the discretion of the local rabies control authority, assistance animals may not be required to be placed in quarantine (to include confinement) during the observation period. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least at the beginning and on the last day of the applicable observation period.

(l) Police service animals are exempted from quarantine per the Texas Health and Safety Code, §826.048, including confinement. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.

(m) Animals should not be vaccinated against rabies or receive other vaccinations or non-essential medications that may complicate assessment of behavioral change or health status during the observation period; however, animals may be treated for medical problems that are diagnosed by a veterinarian and are not related to rabies. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.

The provisions of this §169.27 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.28. Requirements of a Quarantine Facility.

(a) Quarantine procedures.

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

(2) An animal that is quarantined because it may have exposed a human to rabies must be maintained in a primary enclosure, separated from all other animals by a solid partition so that there is no possibility of physical contact between animals. An empty chamber between animals is not an acceptable alternative. To prevent rabies transmission, handling of quarantined animals shall be minimized and carried out in a manner that avoids physical contact of other animals and people with the saliva of quarantined animals. Individuals handling quarantined animals should utilize appropriate personal protective equipment. To prevent escape, the primary enclosure must be enclosed on all sides, including the top. Quarantine cages, runs, or rooms must have "Rabies Quarantine" signs posted.

(b) Facilities planning. Any entity desiring to construct a quarantine facility shall submit plans to the department for review prior to beginning construction of a new facility or significant renovation to an existing facility.

(c) Inspection requirements of quarantine facilities.

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

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

(3) The quarantine facility manager has the right to appeal the results of the inspection. If the opinion of management of the quarantine facility is in conflict with the inspection, he or she may request a review of the inspection by the manager of the department's Zoonosis Control Branch, who will then notify the regional director's office of the health service region in which the quarantine facility is located that an appeal has been submitted. The appeal listed in this paragraph will be made in writing and submitted within 30 days of the inspection. After receipt of the appeal, the department will have 60 days to respond.

The provisions of this §169.28 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.29. Vaccination Requirement.

(a) The custodian (excluding animal shelters as defined in the Texas Health and Safety Code, §823.001) of each dog or cat shall have the animal vaccinated against rabies by 16 weeks of age. The animal must be vaccinated by or under the direct supervision of a veterinarian with rabies vaccine licensed by the United States Department of Agriculture for that species at or after the minimum age requirement and using the recommended route of administration for the vaccine. If a previously vaccinated animal is overdue for a booster, once revaccinated, the animal will be considered currently vaccinated; the animal should be placed on a vaccination schedule according to the maximum labeled duration of immunity for the most recently administered vaccine. The attending veterinarian has discretion as to when the subsequent vaccination will be scheduled as long as the revaccination due date does not exceed the recommended interval for booster vaccination as established by the manufacturer or vaccination requirements instituted by local ordinance. Livestock, domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. Among livestock species, vaccination of equines and others that have frequent contact with humans is strongly advised. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

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

(1) custodian's name, address, and telephone number;

(2) animal identification-species, sex (including neutered if applicable), approximate age, size (pounds), predominant breed, and colors;

(3) vaccine used-product name, manufacturer, and serial number;

(4) date vaccinated;

(5) revaccination due date;

(6) rabies tag number if a tag is issued;

(7) veterinarian's signature, signature stamp, or computerized signature, plus address and license number.

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

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

(e) The custodian shall retain each rabies vaccination certificate until the animal receives a subsequent booster and shall produce the certificate upon request by any local rabies control authority, public health official, or animal control, law enforcement, or peace officer when the request is part of the requester's official duty.

The provisions of this §169.29 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

169.30. Disposition of Domestic Animals Exposed to Rabies.

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

(1) euthanatized; or

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

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

(1) euthanatized; or

(2) immediately given a booster rabies vaccination and placed in confinement for 45 days.

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

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

The provisions of this §169.30 adopted to be effective March 5, 1982, 7 TexReg 745; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.31. Interstate Movement of Dogs and Cats into Texas.

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

The provisions of this §169.31 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 5, 1982, 7 TexReg 744; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.32. International Movement of Dogs and Cats into Texas.

The federal government regulates the entry of pets into the United States; requirements set forth in this section are in addition to meeting federal requirements. If the department receives a federal importation notice, the department may request the local rabies control authority in the area where the animal will be located to monitor the notice for compliance. Contingent upon the department receiving notification of an importation-compliance failure, the department may report the failure to the appropriate authority. Each dog and cat 12 weeks of age or older to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an initial vaccination was administered less than 30 days prior to arrival in the United States, the custodian must confine the dog or cat for the balance of the 30 days. Additionally, documentation must be provided by a vaccination certificate or passport showing the date of vaccination, vaccine used, revaccination due date, identification information for the vaccinated animal, contact information of the animal's custodian, and signature, signature stamp, or

computerized signature and contact information of the veterinarian responsible for administration of the vaccine. If the dog or cat is less than 12 weeks of age, the custodian shall confine the animal until 30 days subsequent to its initial vaccination.

The provisions of this §169.32 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.33. Submission of Specimens for Laboratory Examination.

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

(1) Damage to the brain caused by shooting or other traumatizing procedures shall be avoided.

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

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

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

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

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

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

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

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

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

(7) The following procedures are required for shipment:

(A) shipment shall be by bus or other reliable carrier; the department does not recommend the United States Postal Service. If an overnight carrier (other than bus) is used, ship the specimen such that it will arrive by Friday or delay shipment until Monday. Do not ship via overnight carrier on Friday or the day before a holiday. These services do not deliver to the department on the weekend or on holidays;

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

(C) at the time of the shipment, the shipper shall notify laboratory personnel of the shipment via telephone or laboratory-approved electronic format; and

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

(8) Paragraphs (5) and (6) of this section apply to specimens submitted to the department's Laboratory Services Section. The appropriate form, labeling instructions, and shipping requirements for another department-designated laboratory can be obtained by contacting that laboratory; a list of these laboratories with their contact information will be maintained on the department's website.

The provisions of this §169.33 adopted to be effective August 24, 1982, 7 TexReg 2993; amended to be effective March 29, 1988, 13 TexReg 1337; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective March 19, 2003, 28 TexReg 2341; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.34. Statewide Quarantine.

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

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

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

(3) Animals subject to the statewide rabies quarantine include any live species of fox, skunk, coyote, or raccoon indigenous or naturalized to North America.

(4) Transport exceptions. Animals subject to the statewide rabies quarantine may be transported by peace officers and individuals hired or contracted by local, state, or federal government agencies to deal with stray animals when such transport is a part of their official duty.

These animals may also be transported by employees of zoos or other institutions accredited by the Association of Zoos and Aquariums when such transport is part of their official duty; educators permitted by the Texas Parks and Wildlife Department for educational display; rehabilitators permitted by the Texas Parks and Wildlife Department; an entity issued authorization for nuisance fur-bearing animal relocation from the Texas Parks and Wildlife Department; and pest management professionals licensed by the Texas Department of Agriculture. If an exempt individual transports such animals for release, the animals must be released within a ten-mile radius or within ten miles of the city limits of where they were originally captured and the release must be within the county in which they were originally captured.

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

The provisions of this §169.34 adopted to be effective May 17, 1995, 20 TexReg 3332; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

Sec. 3.01.005 - Duties of animal services director

The city manager shall provide by appointment or by contract a qualified person, corporation or entity to perform the duties of the animal services director. The animal services director shall be responsible for the enforcement of all of the provisions of this chapter.

(1996 Code, sec. 3.201; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

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. 3.01.008 - Diseased animals

It shall be unlawful for any person to have or keep any animal or fowl infected with a disease which may contaminate other animals or fowls and/or which may be a health hazard.

(1996 Code, art. 3.1100; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

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.