

ORDINANCE 2009-17
RABIES CONTROL

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

WHEREAS, the Texas of Health and Safety Code, Sections 826.013 and 826.015 provide the authority for such regulations,

IT IS THEREFORE ORDERED that the City of Riesel, Texas Rabies Control Ordinance be enacted and adopted as follows:

Section 1. Adoption of State Law and Rules.

For the purpose of controlling and eradicating rabies, Chapter 826, Rabies, of the Texas Health and Safety Code and Chapter 169, Zoonosis Control, of Title 25 of the Texas Administrative Code adopted by the Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services, as may be amended or revised from time to time, are hereby adopted for use in the City of Riesel. These provisions shall govern all matters covered therein within the City, except as provided in sections of this ordinance.

Section 2. Definitions

In this ordinance:

- (1) "Custodian" means a person or agency, which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal.
- (2) "Owner" means any person, corporation, or other entity, which has a legal or possessory interest in an animal.
- (3) "Person" means an individual, owner, custodian, association, corporation, partnership, other legal entity, government, or governmental subdivision or agency.
- (4) "State Law" shall mean and include Chapter 826, Rabies, of the Texas Health and Safety Code and Chapter 169, Zoonosis Control, of Title 25 of the Texas Administrative Code adopted by the Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services as currently adopted and as they may be amended inn the future, plus any other state statutes or regulations adopted pursuant to state statutes.

Section 3. General Powers and Duties.

- (a) The City of Riesel may enter into contracts or agreements with public or private entities to carry out this ordinance. The contracts or agreements may provide for payment by the city for materials, equipment, and services.
- (b) The City of Riesel may seek, receive, and spend funds received through appropriations, grants, or donations from public or private sources for the rabies control program established by this ordinance.

Section 4. Designation of Local Rabies Control Authority

- (a) The city council designates Waco McLennan County Public Health District or a designated representative to act as the local rabies control authority for the purposes of this ordinance.
- (b) Among other duties, the local rabies control authority shall enforce:
 - (1) Chapter 826 of the Texas Health and Safety Code and the Board Rules that comprise the minimum standards for rabies control;
 - (2) the ordinances or rules of the city that the local rabies control authority serves; and
 - (3) the rules adopted by the Board under the area rabies quarantine provisions of Section 826.045 of the Texas Health and Safety Code.

Section 5. Vaccination of Dogs and Cats Required

The owner or custodian of a dog or cat shall have the animal vaccinated by the time the animal is four months of age and at regular intervals thereafter as required by state law. A person commits an offense if the person is the owner or custodian of a dog or cat and fails or refuses to have such each dog or cat owned by the person vaccinated against rabies as required by state law.

Section 6. Rabies Tag

- (a) Concurrent with the issuance and delivery of the official rabies vaccination certificate required by state law, the custodian or owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog, a metal tag, serially numbered to correspond with the official rabies vaccination certificate number, and bearing the year of issuance, the name of the issuing veterinarian and his address.
- (b) The owner or custodian of a dog or cat upon request of the local rabies control authority or his designee must provide the official rabies vaccination certificate for review.
- (c) In the event of loss or destruction of the original tag provided for herein, the owner or the custodian shall obtain a duplicate tag. Such tags shall indicate it is a duplicate tag.

Section 8. Quarantine of Animals

- (a) The local rabies control authority or a veterinarian shall quarantine or test in accordance with state law any animal that the local rabies control authority or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies.
- (a) An owner or custodian shall submit to the local rabies control authority an animal for quarantine that:
 - (1) is reported to be rabid or to have exposed an individual to rabies; or
 - (2) the owner or custodian knows or suspects is rabid or has exposed an individual to rabies.
- (b) The local rabies control authority will determine the quarantine method and facility following state law.
- (c) 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.

Section 9. Release or Disposition of Quarantined Animal

- (a) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or local rabies control authority shall release the animal to its owner when the quarantine period ends if:
 - (1) The owner has an unexpired rabies vaccination certificate for the animal and a rabies tag; or
 - (2) the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense, and a vaccination certificate and rabies tag is issued to the owner.
- (b) If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian or local rabies control authority shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the veterinarian or local rabies control authority shall remove the head or brain of the animal and submit it to the nearest department laboratory for testing.
- (c) The owner of an animal that is quarantined under this ordinance shall pay to the veterinarian or local rabies control authority the reasonable costs of the quarantine and disposition of the animal. The veterinarian or local rabies control authority may bring suit to collect those costs.
- (d) The veterinarian or local rabies control authority may keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

Section 10. Exemption from Quarantine Requirement for Police Service Animals

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

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

Section 11. Minimum Standards for Quarantine and Impoundment Facilities

- (a) Any facility used to quarantine an animal quarantined pursuant to this ordinance must meet all standards established under state law for such facilities.
- (b) In accordance with state law, a local rabies control authority may contract with one or more public or private entities to provide and operate a quarantine facility.

Section 12. Penalties

- (a) A person commits an offense if the person violates or attempts to violate any portion or provision contained in this ordinance.
- (b) Any person adjudged guilty of an offense under this ordinance shall be guilty of a Class C Misdemeanor. Each day that a violation continues shall constitute a separate offense.

Section 13. Culpability

The offenses defined by this Chapter do not require a culpable mental state and are strict liability offenses.

Section 14.

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 15.

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Riesel, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 16.

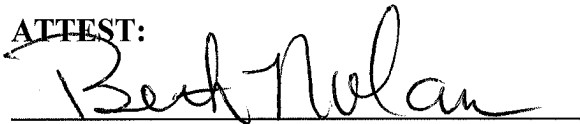
That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED by the City Council of the City of Riesel, Texas this 12th day of January 2010.



Dave Ross, Mayor
City of Riesel, Texas

ATTEST:



Beth Nolan, City Secretary

RABIES CONTROL ORDINANCE

The Rabies Control Act of 1981, as amended, can be found in Chapter 826 of the Texas Health and Safety Code. The Act authorizes the Texas Board of Health¹ to adopt rules necessary for the administration of the rabies control program. Counties are authorized to adopt ordinances or rules that are compatible with and equal to or more stringent than the program adopted by the state. A municipality may adopt ordinances or rules compatible with and equal to or more stringent than the program adopted by the state or ordinances or rules adopted by the county in which the municipality is located. If a municipality does adopt such an ordinance or rules, those ordinances and rules which are more stringent supercede any adopted by the county, Chapter 826, and the rules adopted by the state.

Under Section 826.017, the county commissioners court and the governing body of each municipality is required to designate an officer to act as the local rabies control authority. That officer may be the county health officer, municipal health officer, animal control officer, peace officer, or any entity considered appropriate.

State law requires that all dogs and cats be vaccinated against rabies by the time the animal is four months of age and at intervals thereafter as required by rules adopted by the state. The state rules provide that subsequent vaccination will be done at intervals as determined by the attending veterinarian as long as the revaccination date does not exceed the recommended interval for booster vaccination established by the manufacturer or vaccination requirements instituted by local ordinance. A municipality or the county could established an annual vaccination requirement as that would be more stringent than state law.

Other provisions in Chapter 826 allow for the adoption of rules or ordinances requiring registration of dogs and cats. Rules and regulation may also be adopted concerning the restraint, impoundment, and disposition of dogs and cats.

Based on the provisions of state law, there are two specific matters that municipalities and the county should address:

- (1) the designation of a local rabies control authority
- (2) the adoption of a specific interval for revaccination

In addition, since the state law does not require that a tag and collar be placed on a dog or cat, municipalities and the county may want to have such a provision to enforce to provide easier enforcement and identification of animals in the field by rabies control authorities and animal control officers.

Following is the draft ordinance from 2003 followed by Chapter 826 of the Texas Health and Safety Code and 25 TAC 169.

¹ Chapter 826 has not been changed and still says Texas Board of Health and refers to the Texas Department of Health. In 2007, the states rules appearing in Title 25 of the Texas Administrative Code were amended by the Executive Commissioner of Health and Human Services Commission on behalf of the State Department of Health Services. The revised rules were effective in December 2007