

**STATE OF TEXAS  
KENDALL COUNTY**

**KENDALL COUNTY ORDER NO. 06-09-2014**

**RABIES PREVENTION AND ANIMAL CONTROL ORDER**

WHEREAS, pursuant to Chapter 826, Health and Safety Code, the Commissioners Court has the authority to adopt orders and rules that establish a local rabies control program and set standards that are compatible with and equal to or more stringent than the rabies control program established by Chapter 826, Health and Safety Code; and

WHEREAS, pursuant to Chapter 828, Health and Safety Code, a dog or cat may not be released for adoption unless the animal has been sterilized, or the release is made to a person who signs an agreement to have the animal sterilized within a specified time period; and

WHEREAS, Sections 822.011 et seq, Health and Safety Code, sets out allowable actions to be taken against a dog or coyote that attacks other animals;

NOW, THEREFORE, THE FOLLOWING ORDINANCES AND RULES ARE ADOPTED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS:

**SECTION 1. DEFINITIONS**

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

- 1.1 Animal – Any live mammal, either domesticated or wild.
- 1.2 Animal Control Officer – A person employed by Kendall County, Texas, to enforce this Order or the laws of the State of Texas governing animal control. The Animal Control Officer shall work under the supervision of and report to the Local Rabies Control Authority.
- 1.3 Animal Control Facility – Any facility operated by a city or county government or its authorized agent(s), or by an animal humane society, to impound or care for animals held under this Order, or municipal ordinance, or state law. In this Order, reference to “Animal Control Facility” means the County Animal Control Facility located at 702 FM 289, Kendall County, Texas.
- 1.4 Assist Dog – A domestic dog that is in service to a legally handicapped person.
- 1.5 Bite – Any puncturing or tearing of skin caused by teeth of an animal.
- 1.6 Board – The Texas Board of Health.

- 1.7 Cat – Any live cat (*Felis Catus*).
- 1.8 Currently Vaccinated – Vaccinated against rabies and meeting the following criteria: (a) The animal must have been at least four months old at time of vaccination; and (b) Not more than 36 months have elapsed since most recent vaccination.
- 1.9 Custodian – A person or entity that feeds, shelters, harbors, or has possession or control of, or has the responsibility to feed, shelter, harbor, or control an animal. An animal is deemed to be harbored if it is fed or sheltered by a person or entity, or remains on a person's or entities' property for three or more days with the knowledge of the person or entity involved.
- 1.10 Dog – Any live dog (*Canis Familiaris*).
- 1.11 Euthanize – To cause death of an animal by any method which: (a) rapidly produces unconsciousness and death without visible evidence of pain or distress; or (b) uses anesthesia produced by an agent that causes painless loss of consciousness and death following such loss of consciousness.
- 1.12 Feral Cat – Any cat that has lived in the wild for so long that it cannot live with people.
- 1.13 Harboring – Keeping and caring for an animal, or providing premises to which animal returns for food, shelter or care.
- 1.14 High Risk Animal – Any animals, other than dogs and cats, which have a high risk of transmitting rabies. High risk animals include skunks, bats, raccoons, foxes or other animals designated as high risk animals by the Board.
- 1.15 Impound – To place an animal in an Animal Control Facility, or take an animal into custody in order to transport it to an Animal Control Facility.
- 1.16 Isolation – The separation of an animal exposed or potentially exposed to rabies, or any other epizootically listed quarantine.
- 1.17 Kennel – Any premises where any person engages in boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, whether for profit or not.
- 1.18 Livestock – Cattle, horses, mules, asses (donkeys), sheep, goats, llamas, alpacas, exotic livestock, including elk and elk hybrids, and hogs, unless otherwise defined.
- 1.19 Local Rabies Control Authority – The official designated by the Commissioners Court to enforce this Order and Chapter 826 of the Texas Health and Safety Code (the Rabies Control Act of 1981, as amended), and other applicable laws, orders, and regulations.
- 1.20 Low-Risk Animal – An animal that has a low probability of transmitting rabies. Low risk animals include all animals in the orders of Marsupial (e.g. opossums),

Insectivectora (e.g. moles), Rodentia (e.g. squirrels), and Lagomorpha (e.g. rabbits).

- 1.21 New owner means a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from the Animal Control Facility.
- 1.22 Observation Period – The time following an animal biting incident during which the biting animal's health status must be monitored. The period for: (a) domestic cats and dogs is 10 days; and (b) other animals, such as horses, which are not defined as high risk or low risk is 20 days.
- 1.23 Owner - Any person, partnership, corporation or other entity that has any legal interest in an animal.
- 1.24 Police Dog – A domestic dog that is owned or employed by a governmental law enforcement agency.
- 1.25 Public Nuisance – Any animal that: (a) acts in an aggressive and threatening manner, attacks, bites, or attempts to bite, or chases in an aggressive and threatening manner, domestic animals or livestock or people, including persons on self-propelled and motor driven vehicles, including skates, skate boards, scooters, bicycles, motor cycles and similar vehicles, when such persons or domestic animals or livestock are not on the premises of the aggressive animal's owner, and in the case of domestic animals, when such animals are lawfully restrained; or (b) trespasses on school grounds; or (c) is a stray or runs at-large; or (d) damages private or public property not located on the premises of the aggressive animal's owner.
- 1.26 Quarantine – Keeping an animal in isolation in confinement so that contact with humans or other animals is prevented, and so that it cannot escape.
- 1.27 Quarantine Facility – A structure, approved by the Texas Department of Health, where animals are held for observation.
- 1.28 Quarantine Period – The portion of the observation period during which a biting animal or an animal reported to be rabid or suspected of having or being exposed to rabies is physically confined for observation.
- 1.29 Rabies – An acute viral disease of man an animal affecting the central nervous system and usually transmitted by an animal bite.
- 1.30 Run-At-Large – Any animal not kept under restraint and allowed to leave the premises of its owner.
- 1.31 Stray – An animal that roams with no physical restraint beyond the premises of the animal's owner.
- 1.32 Un-owned – Any animal for which an owner cannot be located.
- 1.33 Vaccinated- Injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

- 1.34 Vaccination Certificate – A certificate showing on its face that the animal described therein has received an inoculation of rabies vaccine in an amount sufficient to produce immunity to that disease, meeting all requirements of this Order and all requirements of the Board.
- 1.35 Veterinarian means a person licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.
- 1.36 Veterinary Hospital/Clinic – An establishment operated by a veterinarian for diagnosis and treatment of disease and injuries of animals.

## **SECTION 2. RABIES CONTROL**

- 2.1 **Designation of Local Rabies Control Authority:** The Commissioners Court, hereby designates the Sheriff of Kendall County as the Local Rabies Control Authority and grants authority to the Sheriff to delegate authority to qualified personnel, including the animal control officers subject to the Sheriff's supervision.
- 2.2 **Duties of Local Rabies Control Authority:** Among other duties, the Local Rabies Control Authority shall enforce this Order, all amendments thereto, and all additional orders, and rules hereafter approved by the Commissioners Court, applicable laws and rules and regulations adopted by the Board concerning rabies prevention and animal control.
- 2.3 **Vaccinations Required:**
  - a. The owner or custodian of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months old and periodically thereafter as set out herein.
  - b. No such vaccination shall be considered current or valid unless: (1) the animal was at least four months of age at the time of the initial vaccination; and (2) not more than 36 months have elapsed since the most recent vaccination.
- 2.4 **Certificate of Vaccination:**
  - a. A veterinarian who vaccinates a dog, cat or other domestic animal against rabies shall issue to the animal's owner or custodian a vaccination certificate in a form that meets the minimum standards approved by the Board.
  - b. The issuing veterinarian shall retain a copy of the vaccination certificate and keep it readily available for review for not less than four years.
  - c. Such certificates shall include: (a) owner or custodian's name, address, and telephone number; and (b) species, sex, age, size, breed and color of animal; and (c) vaccine used, producer, expiration date and serial number; and (d) date vaccinated; and (e) rabies tag number; and (f) veterinarian's signature and license number.

- 2.5 **Rabies Tag:** A veterinarian or person under the direct supervision of a veterinarian who vaccinates a dog, cat, or other domestic animal shall furnish the owner or custodian with a metal tag bearing a number corresponding to the rabies tag number placed upon the vaccination certificate, the year when issued, the name of the veterinarian, and his/her address. This tag shall be attached to a properly fitted collar of the dog, cat, or other animal for which it is intended, and shall be worn by the animal at all times in a conspicuous place on the collar.
- 2.6 **Duplicate Tags:** If the original tag is lost or destroyed, the owner or custodian of the animal shall obtain a duplicate. Duplicate tags may be purchased from the veterinarian who vaccinates the animal or from a local veterinarian with proof of current vaccination. Such tag shall indicate that it is a duplicate tag.
- 2.7 **Proof of Vaccination:** Proof of vaccination shall consist of an official rabies vaccination certificate. It shall be unlawful for any owner or custodian of a vaccinated dog or cat to fail or refuse to exhibit proof of vaccination upon demand, to any person charged with enforcement of this Order.
- 2.8 **Unvaccinated Dogs and Cats:** It shall be unlawful for any person to own a dog or cat of more than five months of age that has not been vaccinated against rabies as provided in this Order. If the animal does not have a valid rabies tag or duplicate tag and the owner or custodian of such animal is unable to provide proof of vaccination as provided in this Order, the presumption will be that such animal has not been vaccinated.
- 2.9 **Misuse of Tag:** No person may use a rabies tag on any animal other than the animal for which it was issued.
- 2.10 **Offenses/Penalty for Violation:**
- a. An owner of a dog or cat commits an offense if he fails or refuses to have each dog or cat vaccinated against rabies in compliance with this Order. Except as hereinafter provided, a custodian of a dog or cat, other than a kennel operator having custody under a current bailment, shall be considered the owner of the animal.
  - b. A person commits an offense if the person transports a dog or cat of five months of age or older within Kendall County without having an official rabies vaccination certificate and/or tag showing that the dog or cat, within the period prescribed in this Order, has been vaccinated to prevent rabies.
  - c. Any offense under this Subsection 2.10 is a Class C Misdemeanor; except that, if the court finds that the person has been previously convicted of an offense under Subsection 2.10, all subsequent offenses under this Subsection shall be Class B Misdemeanors.
  - d. The Local Rabies Control Authority shall dismiss the charges against a person if the authority receives proof, within 10 days of the issuance of the citation, of information that the animal had been vaccinated to prevent

rabies in compliance with this Order before the date of the citation or information.

- e. A person does not commit an offense under this Subsection 2.10 if the person is a veterinarian, a peace officer, a person employed by an animal shelter, or a person employed by or under contract with the state or a political subdivision of the state to deal with stray animals and who has temporary ownership, custody, or control of the dog or cat in connection with that position.

### SECTION 3. REPORTING OF BITES BY ANIMALS SUSCEPTIBLE TO RABIES

- 3.1 **Duty of Veterinarian:** A veterinarian who suspects rabies in any animal shall immediately report such animal to the Animal Control Officer or the Local Rabies Control Authority, along with the name and address of the owner and the location of the animal.
- 3.2 **Persons to Report:** Persons with knowledge of any animal exhibiting symptoms of rabies, or which has been exposed to rabies, or that has bitten scratched or otherwise attacked an individual or other animal, shall report the animal and the incident to the Animal Control Officer or Local Rabies Control Authority within 24 hours. The report shall include the name and address of any victim and the owner or custodian of the animal, if known, and any other information relating to the incident or animal.
- 3.3 **Investigation:** The Local Rabies Control Authority shall investigate each such animal and incident reported.

### SECTION 4. QUARANTINE PROCEDURES FOR ANIMALS

- 4.1 **When Quarantine is Mandatory:** Every animal that has rabies or symptoms of rabies, or that a person could reasonably suspect as having rabies, or that bites, scratches or otherwise attacks another animal or person within Kendall County shall be impounded at once and held for observation in a quarantine facility which has been approved for such purpose by the Board. The animal may be tested for rabies at the discretion of the Local Rabies Control Authority or the Animal Control Officer. No animal that has rabies or is suspected of having rabies shall be allowed in public, except as provided herein, until the animal has been released from quarantine by the Local Rabies Control Authority or Animal Control Officer.
- 4.2 **Duty to Surrender Animal:** The owner or custodian of any dog or cat reported to have rabies or symptoms of rabies, or to have been exposed to rabies, or to have bitten, scratched or otherwise attacked any person or other animal within the County, or that the owner or custodian knows or suspects to be rabid or to have attacked an individual, shall surrender such animal to an Animal Control Officer for impoundment in a quarantine facility approved by the Board for a 10-day quarantine period at the owner's expense. The 10-day quarantine period shall begin on the day of the bite, scratch or attack.

4.3 **Liability for Costs:** The owner of a quarantined animal is liable for and shall pay all reasonable costs for quarantine and disposition of the animal, including board for the animal, medical treatment, if necessary, and the charges for preparation and shipment of the animal's head or brain, if required, to a testing laboratory certified by the Board. Collection of payment from the owner shall be the responsibility of the individual quarantine facility. If the owner fails or refuses to pay the costs of quarantine, the animal shall be euthanized and the brain submitted to a testing laboratory certified by the Board. The County Attorney is authorized to take all legal actions necessary to recover costs incurred by the County in the quarantine and disposition of an animal whose owner fails or refuses to pay such costs.

4.4 **Quarantine Procedures:** The following quarantine procedures shall be observed:

- a. Animals that are placed in quarantine for observation must be held in isolation from all other animals so that there is no possibility of physical contact between them.
- b. At the discretion of the Animal Control Officer, a feral cat or stray or un-owned animal, or one that is ill, may be euthanized for rabies diagnosis before the end of quarantine.
- c. If the impounded animal is a high risk animal, it shall be euthanized and the brain submitted for rabies testing.
- d. Animals shall be observed at least on the first and last days of the quarantine period by the Animal Control Officer or Local Rabies Control Authority.
- e. Quarantine facility personnel shall contact the Animal Control Officer or Local Rabies Control Authority immediately if the animal exhibits any clinical signs or symptoms of rabies.
- f. If no clinical signs or symptoms of rabies are noted during the quarantine period, and if the animal has been vaccinated against rabies, and the animal's owner is otherwise in compliance with this Order, the Animal Control Officer or Local Rabies Control Authority may release the animal from quarantine. If the owner is not in compliance with this Order, such animal may be released from quarantine but shall be impounded for up to three working days at the owner's expense in order that compliance with this Order may be achieved. If compliance with this Order is not achieved within such time, the animal may be placed for adoption or euthanized in keeping with the provisions of this Order and the policies of the Animal Control Facility.
- g. If the animal exhibits symptoms or clinical signs of rabies during quarantine, a veterinarian shall be contacted immediately. If the veterinarian determines that there is probable cause to believe the animal has rabies, the animal shall be euthanized and the head or brain submitted for testing. If the veterinarian determines that the animal does

not have rabies, the animal will remain in quarantine for the time specified in this Section.

- 4.5 **Assist Dogs and Police Dogs:** Currently vaccinated assist dogs and currently vaccinated police dogs, otherwise in compliance with this Order, shall not be placed in quarantine because of a biting incident which occurs in the line of duty.
- 4.6 **Wild Animals and Feral Cats:** No wild animal or feral cat will be placed in quarantine. All wild animals and feral cats involved in biting incidents shall be euthanized if in captivity or humanely killed if running at large. If possible, the brain of such animals shall not be mutilated, and shall be submitted to a testing laboratory certified by the Board for rabies diagnosis.
- 4.7 **Penalty for Violation:** An owner of a dog or cat commits an offense if he/she fails or refuses to surrender a dog or cat for quarantine in compliance with this Order. For purposes of this Section, a custodian of a dog or cat, including, but not limited to, a kennel operator having custody under a current bailment, shall be considered an owner of the animal. Each day that an animal is not produced or surrendered for quarantine shall constitute a separate offense. An offense under this Section 4 shall be a Class C Misdemeanor.

## SECTION 5. RESTRAINT OF ANIMALS AND PROTECTION OF LIVESTOCK

- 5.1 **Dogs to be Restrained:** The owner or custodian of a dog shall keep the animal under reasonably effective restraint at all times. If the dog is on the owner's premises, it shall be kept restrained in a building, kennel, or fenced area (including electrical restraint barriers). When the dog is not on the owner's premises, it shall be restrained by a leash or in a carrier or kennel. While traveling, the dog shall be on a leash, restrained in a kennel or carrier or confined in a motor vehicle. (Note: Animals should not be left unattended in motor vehicles.) Owners of dogs shall not allow the animal to run at-large unless the animal is in a facility such as a dog park where it is allowed.
- 5.2 **Officer to Impound Strays:** Stray dogs and cats are hereby declared a public nuisance. It shall be the duty of the Animal Control Officer to seize and impound strays and other animals which are a public nuisance for disposition in accordance with this Order.
- 5.3 **Protection of Livestock:** Pursuant to Section 822.013, Health and Safety Code, a dog that is attacking, is about to attack, or has recently been determined to have attacked livestock, domestic animals, or fowl may be killed, detained or impounded by any person witnessing the attack or by the owner of the animal attacked. A person who kills such a dog is not liable for damages to the owner of the dog.
- 5.4 **Impoundment and Disposition of Dogs Suspected of Attacks:** An Animal Control Officer is authorized at his/her discretion to impound any dog known to have attacked and/or killed, or to which there is probable cause to suspect of having attacked and/or killed livestock or domestic animals or fowl, pending further investigation of such matter. In such event, a reasonable effort shall be made to notify the owner or custodian of the dog and all persons possibly



damaged as the result of such incident. If, after complying with statutory requirements, the Local Rabies Control Authority determines that the subject animal is responsible for loss of or injury to livestock or domestic animals or fowl, the Local Rabies Control Authority may order the animal euthanized and in such case shall not be liable to the owner in damages. The cost of such impoundment shall be charged to the owner of the dog. If the Local Rabies Control Authority is unable to determine that a dog seized and impounded under this Order is responsible for loss of or injury to livestock, domestic animals or fowls, the dog shall be released to its owner or disposed of in accordance with this Order.

- 5.5 **Penalty for Violation:** An owner of an animal commits an offense if he fails or refuses to keep the animal under reasonable effective restraint in compliance with this order. An offense under this Section 5 shall be a Class C Misdemeanor.

## SECTION 6. INTERFERENCE WITH AUTHORITIES

- 6.1 **Offense:** It shall be unlawful for any person to interfere with, hinder, or prevent the Animal Control Officer or the Local Rabies Control Authority from the official discharge of their respective duties as herein prescribed. It shall also be unlawful for any person to release or attempt the release of an animal held in quarantine in compliance with this Order, during the period of quarantine, except in compliance with this Order.
- 6.2 **Penalty for Violation:** Any person who violates a provision of this Section 6 shall be guilty of a Class B Misdemeanor.

## SECTION 7. IMPOUNDMENT

- 7.1 **Facility:** Dogs and cats seized by the Animal Control Officer shall be impounded in the Animal Control Facility or, if the animal appears to be ill or injured, in a veterinary hospital or clinic.
- 7.2 **Time of Retention:** Impounded animals with a rabies tag or proof of current vaccination will be kept for not less than five working days unless sooner claimed by their owner. Animals without a rabies tag or proof of current vaccination will be kept for not less than three working days, unless sooner claimed by the owner. If the animal is feral, or if it is ill or injured so that it would not survive impoundment, it may be immediately euthanized.
- 7.3 **Notice to Owner:** If the identity of the owner or custodian of the animal can be identified from tags or other available means of identification, the Animal Control Officer shall immediately notify the owner or custodian of the animal of its impoundment and the time and place where the animal may be claimed.
- 7.4 **Conditions of Release:** No animal will be released to an owner or custodian unless the animal has a current rabies vaccination and all applicable fees for impoundment and emergency treatment have been paid. No animal held under quarantine may be released except in compliance with Section 4 of this Order.
- 7.5 **Disposition of Unclaimed Animals:** Any animal not claimed by its owner within the time period specified in Subsection 7.2 becomes the property of the Animal

Control Facility, and may be treated and disposed of in accordance with the policies and procedures set out herein; provided, that at the discretion of the Animal Control Officer, animals may be kept for longer periods than those specified in Subsection 7.2.

7.6 **Sterilization Required:** Except as provided by Subsection 7.7, the Animal Control Facility shall not release a dog or cat for adoption unless the animal has been sterilized. No animal that has been impounded for the third time as a stray may be released from the animal control facility without being sterilized.

7.7 **Sterilization Agreement:**

- a. **Circumstances Requiring an Agreement:** An animal less than four months of age is considered to be too young to be sterilized. Animals less than four months of age may not be released for adoption without a written agreement from the new owner undertaking to have the animal sterilized when it comes of age. A person seeking to adopt an animal from the Animal Control Facility who is a non-resident of Kendall, Bexar, Bandera, Kerr, Gillespie, Blanco, or Comal County, and because of circumstances at the time of adoption, is unable to have the animal sterilized before it is released for adoption, must enter into an agreement to have the animal sterilized within 14 calendar days of the time of release for adoption.
- b. **Contents of Agreement:** The sterilization agreement shall be on a form provided by the Animal Control Facility and contain: (1) the date of the agreement; (2) the name, address, and signature of the new owner; (3) a description of the animal to be adopted; (4) the sterilization completion date; and (5) a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of that chapter is a criminal offense punishable as a Class C misdemeanor. The agreement shall be approved and signed by an authorized representative of the Local Rabies Control Authority.
- c. **Sterilization completion date:** The sterilization completion date contained in the sterilization agreement for animals too young to be sterilized at the time of adoption must be no later than the 14<sup>th</sup> day after the animal becomes four months old. The sterilization completion date for all other animals shall be 14 calendar days after the time of release for adoption from the Animal Control Facility.
- d. **Extension of sterilization completion date:** Except as provided herein, a new owner who signs an agreement under this section shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement; provided: (a) If the sterilization completion date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or legal holiday; (b) The Animal Control Officer may extend the deadline for 30 days on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization.

7.8 **Fees:** Any person taking custody of an unclaimed animal through adoption shall pay to Kendall County compensation for the sterilization and adoption of such animal according to the Adoption Fee Schedule approved by the Commissioners Court.

**SECTION 8. ADVISORY COMMITTEE.**

8.1 **Appointment:** The Commissioners Court shall appoint an advisory committee to assist the Local Rabies Control Authority in complying with the requirements of this Order.

8.2 **Composition of Committee:** The advisory committee shall be composed of at least one veterinarian, one member of the Commissioners Court, one person whose duties include the operation of an animal shelter, one representative from an animal welfare organization, and one citizen of the County with no prior involvement with an animal shelter or an animal welfare organization.

8.3 **Meetings:** The advisory committee shall meet at least three times a year.

8.4 **Terms:** The initial members of the advisory committee appointed by the Commissioners Court shall have terms of one or two years as determined by the Court. Subsequent members of the committee shall be appointed for two year terms. Members of the committee shall not serve more than two consecutive terms.

**SECTION 9. REPEAL OF PRIOR CONFLICTING ORDERS**

All prior orders, rules, regulations or procedures adopted, approved, or implemented by the Commissioners Court of Kendall County or any officer, agent, or employee of Kendall County that are in conflict with the provisions of this Order are hereby repealed.

**SECTION 10. SEVERABILITY**

Should any provision of this Order be held invalid, void or unenforceable by a court of competent jurisdiction, such invalid, void or unenforceable provision shall be severed from this Order and the remaining and unaffected provisions of this Order shall remain in full force and effect.

APPROVED AND EFFECTIVE this 9th day of June 2014.

  
\_\_\_\_\_  
Darrel L. Lux, County Judge

Attest:

  
\_\_\_\_\_  
Darlene Herrin, County Clerk