

September 14, 2016
Animal Advisory Committee
Regular Meeting
1:00 p.m.



Melvin Trover, Chair
Cindy Marcum Moore, MS, DVM
Michael Franklin

AGENDA
City of Dickinson
**ANIMAL ADVISORY
COMMITTEE
REGULAR MEETING**

Pege Wright
Stephanie Russell
Pam Wood

September 14, 2016

NOTICE is hereby given of a **REGULAR MEETING** of the Animal Advisory Committee of the City of Dickinson, County of Galveston, State of Texas, to be held on **WEDNESDAY, SEPTEMBER 14, 2016, at 1:00 PM** at: 4403 Highway 3, Dickinson, Texas 77539 in Conference Room 2 for the purpose of considering the following numbered items. The Animal Advisory Committee of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

ITEM 2.) PUBLIC COMMENTS: At this time, any person with Committee-related business may speak to the Committee. In compliance with the Texas Open Meetings Act, the Committee may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

ITEM 3.) COMMITTEE MEMBER COMMENTS:

ITEM 4.) BRIEFING AND DISCUSSION REGARDING:
A. Shelter Manager Update
B. Upcoming Bayou Animal Services Events

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Minutes of the Regular Animal Advisory Committee Meeting of July 13, 2016.

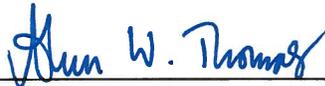
ITEM 6.) BRIEFING AND DISCUSSION CONCERNING: Current Provisions of Chapter 823 of the Texas Health & Safety Code Specific to Standards for Animal Shelters with Regards to Bayou Animal Services.

ITEM 7.) ADJOURN

CERTIFICATION

This is to certify that a copy of the Notice of the Animal Advisory Committee Regular Meeting for **Wednesday, September 14, 2016**, was posted on the bulletin board at City

Hall, 4403 Highway 3, Dickinson, Texas, on this the 8th day of September, 2016, prior to 6:00 p.m.



Alun W. Thomas, City Secretary



In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.

Animal Advisory Committee Meeting

CALL TO ORDER

Roll Call

**CITY OF DICKINSON, TEXAS
ANIMAL ADVISORY COMMITTEE MEETING
ATTENDANCE LIST**

MEETING DATE September 14, 2016
Regular Meeting

<u>COMMITTEE MEMBER</u>	<u>PRESENT</u>	<u>ABSENT</u>
CHAIR, MELVIN TROVER	_____	_____
CINDY MARCUM MOORE, MS, DVM	_____	_____
MICHAEL FRANKLIN	_____	_____
PEGE WRIGHT	_____	_____
STEPHANIE RUSSELL	_____	_____
PAM WOOD	_____	_____

MINUTES
City of Dickinson
**ANIMAL ADVISORY
COMMITTEE
REGULAR MEETING**

July 13, 2016

NOTICE is hereby given of a **REGULAR MEETING** of the Animal Advisory Committee of the City of Dickinson, County of Galveston, State of Texas, to be held on **WEDNESDAY, JULY 13, 2016, at 1:00 PM** at: 4403 Highway 3, Dickinson, Texas 77539 in Conference Room 2 for the purpose of considering the following numbered items. The Animal Advisory Committee of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Committee Chair Melvin Trover called the meeting to order at 1:04 p.m. Committee Member Stephanie Russell called roll and certified a quorum. Committee Members present were as follows: Chair Melvin Trover, Cindy Marcum Moore, Michael Franklin, Pege Wright, Stephanie Russell, and Pam Wood. Santa Fe City Manager Joe Dickson was also present.

ITEM 2.) PUBLIC COMMENTS: At this time, any person with Committee-related business may speak to the Committee. In compliance with the Texas Open Meetings Act, the Committee may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

No Public Comments.

ITEM 3.) BRIEFING AND DISCUSSION CONCERNING: Current Provisions Of Chapter 823 Of The Texas Health & Safety Code Specific To Standards For Animal Shelters With Regards To Bayou Animal Services.

Committee Chair Melvin Trover reviewed the regulations with regards to the Animal Shelter and how Bayou Animal Services was in compliance. There was discussion amongst the members regarding public information requests, euthanasia, and quarantine.

ITEM 4.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Dates For Future Committee Meetings For Calendar Year 2016.

The Committee discussed possible future dates. Following the discussion, Committee Member Stephanie Russell made a motion to schedule the next meetings for September 14, 2016 at 1:00 PM and November 16, 2016 at 1:00 PM. Committee Member Pam Wood seconded the motion.

VOTE:

6 AYES (Trover, Moore, Franklin, Wright, Russell, Wood)
0 NAYS

MOTION PASSED

Following the vote, Committee Member Michael Franklin made a motion to go back to Item 2. Committee Member Cindy Marcum Moore seconded the motion.

VOTE:

6 AYES (Trover, Moore, Franklin, Wright, Russell, Wood)
0 NAYS

MOTION PASSED

ITEM 2.) PUBLIC COMMENTS: At this time, any person with Committee-related business may speak to the Committee. In compliance with the Texas Open Meetings Act, the Committee may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

Sherilyn Linton, Animal Alliance of Galveston County, 1014 Bayou Road, La Marque, Texas: Interested in knowing the shelter statistics and needs of the shelter. Animal Alliance provides 10 spays and neuters monthly and vaccinations for Bayou Animal Services and is willing to help however else they are able. The Animal Alliance is thankful to be included and wants the shelter to be included.

Michael Franklin, 511 Old Bayou Drive, Dickinson, Texas: Interest in logo and branding for Bayou Animal Services. Need volunteers to spread the word and collateral material to do so. Mr. Franklin is willing to help underwrite the expenses of this. He would also like to see small group, such as speakers' bureau, to meet with the committee to spread the word about the shelter and its needs. He would like to see an awareness program. He is also willing to help with this. He wants this shelter to succeed.

ITEM 5.) ADJOURN

Committee Member Stephanie Russell made a motion to adjourn the meeting at 1:37 p.m. and Committee Member Cindy Marcum Moore seconded the motion.

VOTE:

6 AYES (Trover, Moore, Franklin, Wright, Russell, Wood)

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 14th day of September, 2016.

Melvin Trover, Chair

ATTEST:

Alun W. Thomas, City Secretary

DRAFT

**Dickinson Animal Advisory Committee
Agenda Item Data Sheet**

MEETING DATE September 14, 2016

TOPIC:	BRIEFING AND DISCUSSION CONCERNING: Current Provisions of Chapter 823 of the Texas Health & Safety Code specific to Standards for Animal Shelters with regards to Bayou Animal Services .
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BACKGROUND:	<p>Per the Texas Health and Safety Code, the objective of this advisory committee is to assist in complying with the requirements of the Code under Chapter 823, Animal Shelters. Below is the list of standards included in the Code that staff will be reviewing with the Committee as it regards to Bayou Animal Services. A full copy of the Chapter and its references are included as an attachment.</p> <p>Sec. 823.003. Standards For Animal Shelters:</p> <p>(a) Each animal shelter operated in this state shall comply with the standards for:</p> <p style="padding-left: 40px;">(1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and</p> <p style="padding-left: 40px;">(2) animal control officer training adopted under Chapter 829.</p> <p>(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.</p> <p>(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.</p> <p>(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.</p> <p>(e) The executive commissioner of the Health and Human Services Commission may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.</p>
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER
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**Dickinson Animal Advisory Committee
Agenda Item Data Sheet**

RECOMMENDATION: N/A	
ATTACHMENTS:	<ul style="list-style-type: none"> • Texas Health & Safety Code, Title 10, Chapter 832. Animal Shelters • Texas Health & Safety Code, Title 10, Chapter 826. Rabies • Texas Health & Safety Code, Title 10, Chapter 829. Animal Control Officer Training • Dickinson Standard Operating Procedures • Shelter Inspection Report • Interlocal with Alvin for use of Animal Adoption Center
FUNDING ISSUES	<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Not budgeted <input type="checkbox"/> Full Amount already budgeted. <input type="checkbox"/> Funds to be transferred from Acct.# - -
SUBMITTING STAFF MEMBER Stephanie Russell, Administrative Services Manager	CHAIR APPROVAL 

ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 823. ANIMAL SHELTERS

Sec. 823.001. DEFINITIONS. In this chapter:

- (1) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.
- (2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.
- (3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(120), eff. April 2, 2015.
- (4) "Department" means the Department of State Health Services.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1603, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(120), eff. April 2, 2015.

Sec. 823.002. EXEMPTION FOR CERTAIN COUNTIES, CLINICS, AND FACILITIES. This chapter does not apply to:

- (1) a county having a population of less than 75,000;
- (2) a veterinary medicine clinic; or
- (3) a livestock commission facility.

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

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY. (a) Each animal shelter operated in this state shall comply with the standards for:

- (1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and
- (2) animal control officer training adopted under Chapter 829.

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

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

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

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

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

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

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 2, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1604, eff. April 2, 2015.

Sec. 823.005. ADVISORY COMMITTEE. (a) The governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the requirements of this chapter.

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

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

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

Sec. 823.007. INJUNCTION. A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

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

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may enforce this chapter.

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

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

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

Sec. 823.009. CIVIL PENALTY. (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

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

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

- (1) injunctive relief to restrain the person from continuing the violation or threat of violation;
- (2) the assessment and recovery of the civil penalty; or
- (3) both injunctive relief and the civil penalty.

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

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

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 826. RABIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 826.001. SHORT TITLE. This chapter may be cited as the Rabies Control Act of 1981.

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

Sec. 826.002. DEFINITIONS. In this chapter:

- (1) "Animal" means a warm-blooded animal.
- (2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(121), eff. April 2, 2015.
- (3) "Cat" means *Felis catus*.
- (4) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(121), eff. April 2, 2015.
- (5) "Department" means the Department of State Health Services.
- (6) "Dog" means *Canis familiaris*.
- (7) "Epizootic" means the occurrence in a given geographic area or population of cases of a disease clearly in excess of the expected frequency.
- (7-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (8) "Licensed veterinarian" means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.
- (9) "Quarantine" means strict confinement of an animal specified in an order of the department or its designee:
 - (A) on the private premises of the animal's owner or at a facility approved by the department or its designee; and
 - (B) under restraint by closed cage or paddock or in any other manner approved by department rule.
- (10) "Rabies" means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.
- (11) "Stray" means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1605, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(121), eff. April 2, 2015.

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

Sec. 826.011. GENERAL POWERS AND DUTIES OF EXECUTIVE COMMISSIONER AND DEPARTMENT. (a) The department or its designee, with the cooperation of the governing bodies of counties and municipalities, shall administer the rabies control program established by this chapter.

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

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

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1607, eff. April 2, 2015.

Sec. 826.012. MINIMUM STANDARDS FOR RABIES CONTROL. This chapter and the rules adopted by the executive commissioner under this chapter are the minimum standards for rabies control.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1608, eff. April 2, 2015.

Sec. 826.013. COUNTIES AND MUNICIPALITIES MAY ADOPT CHAPTER. The governing body of a municipality or the commissioners court of a county may adopt this chapter and the standards adopted by the executive commissioner.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1609, eff. April 2, 2015.

Sec. 826.014. COUNTIES MAY ADOPT ORDINANCES AND RULES. (a) The commissioners court of a county may adopt ordinances or rules that establish a local rabies control program in the county and set local standards that are compatible with and equal to or more stringent than the program established by this chapter and the department rules adopted under this chapter.

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1610, eff. April 2, 2015.

Sec. 826.015. MUNICIPALITIES MAY ADOPT ORDINANCES OR RULES. (a) The governing body of a municipality may adopt ordinances or rules that establish a local rabies control program in the municipality and set local standards that are compatible with and equal to or more stringent than:

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

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

(b) Municipal ordinances or rules adopted under this section supersede ordinances or rules adopted by the county in which the municipality is located, this chapter, and the department rules adopted

under this chapter within that municipality so that multiple enforcement will not occur.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1611, eff. April 2, 2015.

Sec. 826.016. CONTRACTS. The governing body of a municipality and the commissioners court of a county may enter into contracts or agreements with public or private entities to carry out the activities required or authorized under this chapter.

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

Sec. 826.017. DESIGNATION OF LOCAL RABIES CONTROL AUTHORITY. (a) The commissioners court of each county and the governing body of each municipality shall designate an officer to act as the local rabies control authority for the purposes of this chapter.

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

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

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

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

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

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 2, eff. May 5, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1612, eff. April 2, 2015.

Sec. 826.018. LOCAL RABIES CONTROL PROGRAMS. (a) This section applies to a veterinarian who:

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

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

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

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

SUBCHAPTER C. RABIES VACCINATIONS

Sec. 826.021. VACCINATION OF DOGS AND CATS REQUIRED. (a) Except as otherwise provided by department rule, the owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by department rule.

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1613, eff. April 2, 2015.

Sec. 826.0211. CONFIDENTIALITY OF CERTAIN INFORMATION IN RABIES VACCINATION CERTIFICATE; CRIMINAL PENALTY. (a) Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the certificate or record may not include the social security number or the driver's license number of the owner of the

vaccinated animal.

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

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

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

or

- (3) both the fine and confinement.

Added by Acts 1999, 76th Leg., ch. 1069, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1235 (H.B. 1426), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 686 (H.B. 1728), Sec. 1, eff. June 15, 2007.

Sec. 826.022. VACCINATION; CRIMINAL PENALTY. (a) A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies and the animal is required to be vaccinated under:

- (1) Section 826.021 and department rules; or
- (2) ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

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

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

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 3, eff. May 5, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1614, eff. April 2, 2015.

Sec. 826.023. USE AND SALE OF RABIES VACCINE. (a) Rabies vaccine for animals may be administered only by or under the direct supervision of a veterinarian.

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

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

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

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

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

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

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

Sec. 826.024. USE AND SALE OF RABIES VACCINE; CRIMINAL PENALTY. (a) A person commits an offense if the person:

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

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

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

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

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

Sec. 826.025. PROVISION OF VACCINE AND SERUM. (a) The department may provide vaccine and hyperimmune serum in accordance with department policies or procedures for the use and benefit of a person exposed, or suspected of having been exposed, to rabies.

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

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

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

- (1) the recipient;
- (2) the parent, guardian, or other person legally responsible for the support of the recipient; or
- (3) a responsible third party.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1615, eff. April 2, 2015.

SUBCHAPTER D. REGISTRATION AND RESTRAINT OF DOGS AND CATS

Sec. 826.031. REGISTRATION OF DOGS AND CATS BY LOCAL GOVERNMENTS.

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

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

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

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

Sec. 826.0311. CONFIDENTIALITY OF CERTAIN INFORMATION IN DOG AND CAT

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

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

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

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

or

- (3) both the fine and confinement.

Added by Acts 1999, 76th Leg., ch. 1069, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 686 (H.B. 1728), Sec. 2, eff. June 15, 2007.

Sec. 826.032. REGISTRATION; CRIMINAL PENALTY. (a) A person commits an offense if:

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

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

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

Sec. 826.033. RESTRAINT, IMPOUNDMENT, AND DISPOSITION OF DOGS AND CATS. (a) The governing body of a municipality and the commissioners court of a county may adopt ordinances or rules under Section 826.014 or 826.015 to require that:

- (1) each dog or cat be restrained by its owner;
- (2) each stray dog or cat be declared a public nuisance;
- (3) each unrestrained dog or cat be detained or impounded by the local rabies control authority or that officer's designee;
- (4) each stray dog or cat be impounded for a period set by ordinance or rule; and
- (5) a humane disposition be made of each unclaimed stray dog or cat on the expiration of the required impoundment period.

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

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

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

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

Sec. 826.034. RESTRAINT; CRIMINAL PENALTY. (a) A person commits an offense if:

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

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

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

SUBCHAPTER E. REPORTS AND QUARANTINE

Sec. 826.041. REPORTS OF RABIES. (a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that

the person suspects is rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

(b) The report must include:

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

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

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

Sec. 826.042. QUARANTINE OF ANIMALS. (a) The executive commissioner shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine.

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

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

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

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

(e) A veterinarian shall quarantine an animal that:

- (1) is in the possession of the veterinarian; and
- (2) the veterinarian knows or suspects is rabid or has exposed an individual to rabies.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 8, eff. May 5, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1616, eff. April 2, 2015.

Sec. 826.043. RELEASE OR DISPOSITION OF QUARANTINED ANIMAL. (a) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or local rabies control authority shall release the animal to its owner when the quarantine period ends if:

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

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

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

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

(d) The veterinarian or local rabies control authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

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

Sec. 826.044. QUARANTINE; CRIMINAL PENALTY. (a) A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that:

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

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1617, eff. April 2, 2015.

Sec. 826.045. AREA RABIES QUARANTINE. (a) If rabies is known to exist in an area, the department or its designee may declare an area rabies quarantine to prevent or contain a rabies epizootic.

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

- (1) define the borders of the quarantine area; and
- (2) adopt permanent or emergency rules.

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

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1618, eff. April 2, 2015.

Sec. 826.046. VIOLATION OF AREA RABIES QUARANTINE; CRIMINAL PENALTY.

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1619, eff. April 2, 2015.

Sec. 826.047. LIMITATION ON LIABILITY. A veterinarian performing duties under this chapter is not liable to the owner of an animal for the death of or injury to the animal except in a case of wilful misconduct or gross negligence.

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

Sec. 826.048. EXEMPTION FROM QUARANTINE REQUIREMENT FOR POLICE SERVICE ANIMALS. (a) In this section, "handler or rider" and "police service animal" have the meanings assigned by Section 38.151, Penal Code.

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

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

SUBCHAPTER F. QUARANTINE AND IMPOUNDMENT FACILITIES

Sec. 826.051. MINIMUM STANDARDS FOR QUARANTINE AND IMPOUNDMENT FACILITIES. (a) The executive commissioner shall adopt rules governing the types of facilities that may be used to quarantine animals.

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

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

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 12, eff. May 5, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1620, eff. April 2, 2015.

Sec. 826.052. INSPECTIONS. An employee of the department, on the presentation of appropriate credentials to the local rabies control

authority or the authority's designee, may conduct a reasonable inspection of a quarantine or impoundment facility at a reasonable hour to determine if the facility complies with:

- (1) the minimum standards adopted by the executive commissioner for those facilities; and
- (2) the requirements for animal control officer training adopted under Chapter 829.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 13, eff. May 5, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1331 (S.B. 1562), Sec. 3, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1621, eff. April 2, 2015.

Sec. 826.053. HEARING. (a) A person aggrieved by an action of the department in amending, limiting, suspending, or revoking any approval required of the department by this chapter may request a hearing.

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

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1622, eff. April 2, 2015.

Sec. 826.054. SUITS TO ENJOIN OPERATION OF QUARANTINE OR IMPOUNDMENT FACILITY. (a) At the request of the commissioner, the attorney general may bring suit in the name of the state to enjoin the operation of a quarantine or impoundment facility that fails to meet the minimum standards established by this chapter and department rules.

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

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

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 14, eff. May 5, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1623, eff. April 2, 2015.

Sec. 826.055. QUARANTINE OR IMPOUNDMENT FACILITY; CRIMINAL PENALTY.

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

(1) department rules; or

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

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

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1624, eff. April 2, 2015.

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING

Sec. 829.001. DEFINITIONS. In this chapter:

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

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

(B) is not a peace officer.

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

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

Sec. 829.0015. APPLICABILITY OF CHAPTER. The commissioners court of a county that has a population of 75,000 or less may adopt an order exempting the county from the application of this chapter. This chapter does not apply within the boundaries of a county for which an order is adopted under this section.

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

Sec. 829.002. TRAINING REQUIRED. A person may not perform the duties of an animal control officer unless:

(1) the person:

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

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

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

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

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

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

Sec. 829.003. TRAINING COURSES. (a) The department shall prescribe the standards and curriculum for basic and continuing education animal control courses. The curriculum for both the basic and continuing education courses must include the following topics:

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

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

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

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

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

organizations as the department considers appropriate.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 299 (H.B. 405), Sec. 2, eff. June 19, 2009.

Sec. 829.004. AVAILABILITY OF COURSES. (a) The department or the department's designee shall offer at least two basic animal control courses every calendar year in each of the department's zoonosis control regions.

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

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

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

Sec. 829.005. FEE. The department and any authorized animal control course sponsor, in accordance with department rules, may collect reasonable fees to cover the cost of arranging and conducting an animal control course.

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

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1627, eff. April 2, 2015.

Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) The department or the department's designee shall:

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

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

(A) the person's name;

- (B) the name of the course; and
- (C) the date the course was completed.

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

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

Sec. 829.007. FACILITY CERTIFICATE. The department shall issue a certificate to an animal shelter inspected under Section 823.003 or a quarantine or impoundment facility inspected under Section 826.052 that the department or the veterinarian conducting the inspection, as applicable, determines complies with this chapter.

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

Sec. 829.008. PAYMENT OF FEE. A political subdivision of this state may require that an individual pay a fee for a course or certificate under this chapter.

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

Sec. 829.009. CIVIL REMEDY. A person may sue for injunctive relief to prevent or restrain a substantial violation of this chapter.

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

Dickinson Animal Services

Standard Operating Procedures

Public Shelter Hours:

Monday - Saturday: 10:00 a.m. To 5:00 p.m.

Sunday: 11:00 a.m. To 3:00 a.m.

Employee's Hours:

Monday – Sunday: 8:00 a.m. To 5:00 p.m.

Daily Shelter Clean Up:

Daily Shelter Clean Up Of Dog Kennels:

Remove the animals from the cage and move it to an empty cage.

Remove all food / water bowls, fabric bedding and kuranda beds from cage.

Clean urine and feces with a scooper.

In a five gallon bucket, or a gallon spray jug mix 8 ounces / 1 cup of AQ per one gallon of water and spray kennel with mixture and then scrub floor and fence and wait 10 minutes.

After 10 minutes, use shop-vac to vacuum kennel dry.

After the floor is dry in the kennel, rinse down all walls and floors with the water. (Bucket or gallon spray jug with clean water) and re-vacuum the floor and let dry.

After floor is completely dry, put food / water bowls and bedding back in kennel and replace dog back in kennel.

When all kennels are complete inside go out to the outside dog runs and pick up feces in the runs and in the yards during the daily operations always keep an eye on dogs in outside runs and the weather to keep dogs safe.

Dog's kennels and dog runs outside should be walked once an hour and check on dogs and pickup feces.

Always be on the lookout for new holes or parts of the kennel that are damaged and fix or let management know of issues.

Daily Shelter Cleanup of Cat Cages and Condo's and Colonies:

Clean in order 1. Colonies 2. Condo's 3. Cages.

See notes on Colonies:

Remove the cat or cats from the cage or condo and move then to an empty cage.

Remove all food / water bowls and cat litter boxes from cages.

Clean urine and feces with a scooper and when needed replace cat litter box with clean box.

In a gallon spray jug mix 8 ounces or 1 cup of AQ per one gallon of water and spray cage/condo with mixture and scrub and wait 10 minutes.

After 10 minutes use a towel to dry cage (use towel in one cage only do not reuse towel) or shop-vac to vacuum dry cages.

After cage / condo is dry, rinse down all walls and floors with the water. Use a towel to dry cage or shop-vac to vacuum dry cages.

After cage / condo is completely dry, put food (do not over feed cats) / water bowls and cat litter box back in cage / condo and return cat / cats back in cage / condo.

Vacuum or sweep the whole area of the cats after cleaning is complete and need be during the day.

Always keep an eye out for sick cats and anything else that doesn't look right and let management know.

- Cat colony litter boxes, food & water bowls should be changed out and cleaned each day. When necessary clean glass walls with deluded vinegar water spray and use AQ mixture to clean floors.

EUTHANASIA:

Call Shelter Manager before any animal is Euthanasia.

BITE REPORTS:

When taking a Bite Report over the phone or in person, fill out each section of the bite report. The A.C.O. shall view victim's wound when possible and take photographs, or obtain a copy of the Doctor's report. Make contact with owner as quickly as possible and get necessary information for the report. If owner has no Rabies Certificate to validate vaccinations, Officer shall assume animal is unvaccinated. If the location of animal is unknown, the Officer will do a complete search of the area. If unable to locate animal involved, a trap is to be set for animal, for the duration of the quarantine period.

All areas of the report shall be filled out If information is not known put "unknown" in that area. If trap is set, record that on bite report if animal is not captured by the end of the 240 hour period, record information on report and advice victim or their guardian to follow the recommendation of their family physician.

For home quarantine (Shelter Manager MUST approve)

A check must be completed to ensure that animal was not in violation of either State or local law, inspect where animal is to be confined to include fenced back yard (dogs), have owner sign Home Quarantine form, have home quarantined approved and signed by Shelter Manager or the Local Rabies Control Authority. Follow through with mid inspection, to be followed by final inspection, release of animal, and contact with victim for quarantine release notification. Place Home Quarantine form with bite report and turn in to Superintendent's box. Area for quarantine is to be checked prior to isolation, then again during the 240 hour period, and again when animal is released from quarantine. The Officer who did the report and received approval for the home quarantine is responsible for checking on the status of the animal. If they are unable to do so, it is up to that Officer to arrange another Officer to fulfill necessary duties.

Animals that bites/scratches are to be quarantined at Shelter as space allows, or at a licensed Quarantine facility **ONLY**. Give owner date and time when the animal can be released, collect appropriate fees. If owner prefers to pay at the end of quarantine, indicate this on Bite Report and Quarantine Observation Sheet.

At the end of the quarantine period, the Officer that releases animal should complete quarantine form, finish bite report and contact victim to notify them of animal's release. It is up to the officer initiating bite report to ensure closure of report. Note on bite report that victim was contacted. Include date, time, and Officers initials. Staple report and observation sheet together and put into Shelter Manager's box.

SPECIMEN FOR RABIES LAB:

Specimens for delivery to the Houston Department of Health and Human Services Lab are to be boxed according to Texas Department of State Health Services (DSHS) specifications. Refer to Animal Control Officer Training Manual for proper packing instructions. Two copies of the submission form shall accompany specimen, one copy inside box with specimen and one copy attached to the outside. Officer that picks specimen up is responsible for notifying Superintendent of specimen for delivery to lab and for entering specimen information in specimen log book. Personnel transporting specimen will indicate who delivered and what date specimen was transferred. As test results are received, they are to be entered on report by Officer receiving notice and should notify all parties involved on report.

QUARANTINE:

AT THIS TIME WE DON'T QUARANTINE AT THE SHELTER ADOPTION CENTER

1. Secure animal upon arrival:
 - a. Use only cage designed for quarantine
 - b. Close cage and ensure quarantine door is closed
2. Complete required forms:
 - a. Bite report

- b. Observation sheet and animal log sheet
3. Notify necessary individuals:
 - a. Local Rabies Control Authority
 - b. Interested parties; person bitten, school nurse, physician, owner (if animal has not been visually identified by victim, have victim come to shelter to view animal and confirm that animal in custody is the same one that inflicted injury)
4. Handling quarantined animals:
 - a. Only authorized personnel will attend quarantined animals
 - b. Observe animal for illness or strange behavior twice daily, note on observation sheet
5. Procedure if animal becomes ill:
 - a. Notify Shelter Manager / Local Rabies Control Authority
 - b. Notify attending physician and victim
 - c. Notify attending Veterinarian
6. Terminating quarantine:
 - a. Have proof of current Rabies vaccination
 - b. Document final observation and release on sheet
 - c. If not current on Rabies vaccination, Shelter Adoption Center will arrange vaccination to be given by local vet at owners expense before animal is released
 - d. Officer will deliver animal to clinic for vaccination after all appropriate fees have been paid and paperwork complete

BARKING DOG COMPLAINTS:

Go to address where dog is barking and attempt to make contact with owner. If no one is home leave a card advising him or her you were there on a barking complaint and ask owner to return your call. Whenever contact is made with owner, give a verbal warning and go over barking dogs ordinance and offer some alternatives; confining dog indoors when not home, anti-bark collars, etc...

Explain that if problem continues and **complainant wishes to file a formal complaint (complainant must be willing to be State's witness and have the burden of proof)**, a notice of violation will be issued. Once contact has been made with owner, officer will inform person registering complaint. If owner fails to contact officer within a 5 day period, officer will notify complainant no contact was made and discuss any further action that can be taken.

When talking with complainant explain that they must be willing to file a formal complaint and have the burden of proof for us to do more than issue a verbal warning. Suggest they keep a log of dates and times the animal is barking, a taped recording (which may or may not be allowed in court), or any other adult witness statements (must be notarized). Ensure your complainant understands this is a lengthy process. Contact complainant after owner contact has been made. Advise them that it takes anywhere from 2-4 weeks to break a habit in an animal.

LOOSE LIVESTOCK CALLS:

Check vicinity map where animal is located to try and determine who might be the owner and contact that subject. If contact is made, ask possible owner to be in route to that location to determine ownership. If no owner is found, have city police department dispatch that you're in contact Galveston County Sheriff's Department Livestock Officer to pick up animal(s). If Galveston County is unable to respond and no owner is found try to secure animal(s) off roadway and advise the shelter manager. If unable to do any of the above, contact the Shelter Manager for additional instructions.

If owner calls after livestock has been picked up, refer them to the Galveston County Sheriff's Department, Livestock Division. If owner is unknown at time of impoundment, ask Galveston County to forward owner information to our department once livestock has been claimed. If securing animals off roadway and owner is not present, CONTACT OWNER ASAP, advice of repair, note on daily incident form, and have owner check his livestock area. Do not make repairs for owner in lieu of them responding. If livestock continue to get out let shelter manager know.

ANIMAL IMPOUNDMENT:

When an animal is brought into the Shelter, scan all animals, log animal in ShelterManager.com. Note if animal is a stray, owner release, or police impound. If police Impound, get information of owner and next of kin, or close friend, with contact number and permission to release animal to designated person. If owner release animal person must pay surrender fee in full before intake and sign a release form. Scan animal for chip. Contact chip manufacturer if chip is found, advise owner. No animal is to be taken in for the express purpose of euthanasia, or if animal is in need of veterinarian care, without Shelter Manager or above approval.

Place animal in a clean cage in the appropriate area. Put bowls in cage and give animal food/water when needed. Put kennel card with proper identification on cage if owner is known, indicate name, phone number, and address on sheet and whether or not they have been contacted. Also note any collar, tags, or tattoos on animal log sheet, DO NOT REMOVE collars unless they are too tight.

RETURN TO OWNERS:

When an owner comes in and identifies an animal as belonging to them, ask for proof of Rabies vaccination. If vaccination is not current, owner must pay for prepaid vaccination at owner's expense.

Animal must also be registered after it has received Rabies vaccination. Full impoundment fee must be paid in full before release of animal.

FIELD RETURN TO OWNERS:

An Officer may return an animal to owner in field, but Officer must explain any applicable ordinance violations to owner. Check for Rabies and City tag. If they do not have them, require they get them. **A verbal warning is to be given to the owner** indicate warning given on your animal incident sheet. Never release an animal in field without getting personal information of person you are releasing animal to (picture I.D. is preferred). **Inform any complainant of your actions** and assure them if the problem persists, more actions will be taken (impoundment, citations, etc...). Do an incident form and **never release animal to a minor.**

ANIMAL REGISTRATION:

All Dogs and Cats in the Dickinson, Santa Fe, and Clear lakeshore city limits must be registered. Owner must show proof of current Rabies vaccination and pay the registration fee at the Shelter Adoption Center and Shelter Adoption Center must receive a copy of the Rabies Certificate before registration can be issue to the owner of animal.

ADOPTIONS:

Have adoptee fill out adoption application. Review information and collect appropriate fees. Place adoption form with animal log sheet. Place animal on next surgery schedule and complete adoption application. Put signed contract in folder marked pending for Animal Alliance. Explain adoption procedure:

- a). Have new owner read and sign adoption contract, and ask if there are any questions about the contract. Make a copy of DL or ID card; for joint owners, copy both persons' ID and DL. Then make a copy of both sides of contract for new owner and place signed original in file cabinet. Give new owner an adoption packet for their new animal.

- b). Explain State and City requirements for sterilization and Rabies vaccinations, micro chipping and registration of chip (not registered to new owner until 30 days after adoption). Schedule animal for surgery and inform new owner of Surgery date unless the animal is already fully vet-ed (No exceptions unless authorized by Shelter Manager).

- c). Animals have not received any medical care or vaccinations; they are placed for adoption on personality and appearance only.

- d). Encourage new owner to immediately seek a health examination from Vet; suggest heartworm and/or feline leukemia testing prior to any other procedures.

- e). Any animal believed to be too young for sterilization/vaccination can be placed in its new home once micro chipped, fees are paid, and surgery date is scheduled. Have owner return animal on morning of surgery or take it to the vet them self.

We Do Not Reserve Animals.

If someone wishes to handle the animal prior to adoption and it is available, they may visit with animal in the Shelter on bad weather days. If animal is not yet available, animal is not to be viewed. Ask anyone handling an animal to disinfect his or her hands prior to handling other animals.

PAPERWORK:

Daily Sheets

Each Officer will complete and turn in a daily sheet at the end of each day worked. The only exception will be if the Officer OD's in the field, in which case the daily sheet is to be turned in first thing the following morning regardless of work status. Animal call Form should be completed for each call that has any kind of irregularity, or if complainant or contact person is dissatisfied for any reason, for animal vs. animal attacks (also complete witness statements when applicable), or anything questionable (when in doubt ask or complete one).

ANIMAL INCIDENT SHEET:

Animal incident sheets should be filled out on any call that is hostile, unusual, or involves a welfare concern, including reports of possible animal cruelty.

EMERGENCY CALL OUTS:

The Officer assigned for Emergency Call out will be on call status from Tuesday closed of business at the shelter till the next Tuesday opening of business at the shelter.

1. The on-call Officer shall be available for call outs any time during his/her designated hours. This Officer is required to carry a cellphone at all times when away from his/her residence.
2. The on-call Officer shall utilize the City Animal Control truck for all call responses. The on-call Officer will be required to take home the City Animal Control truck so he/she can respond to emergency calls promptly.
3. The on-call Officer will be expected to respond to emergency calls within a reasonable time after receiving calls.
4. The on-call Officer shall be required to wear issued uniforms when responding to after-hours emergency calls.
5. When a call is received from the police department, do not discuss animal control policy with dispatcher. Obtain the information necessary to make contact with the citizen requesting assistance. **If they want you to go YOU GO we will work it out later.**

The Animal Control Officer shall follow up on the request by making contact, either in person or by telephone as the situation dictates.

6. If telephone contact is made, the Animal Control Officer should use good judgement and respond accordingly if the situation requires field action.
7. The following represents situations when the on-call Officer should be contacted without shelter manager authorization:

- a). Any bite or scratch to a human which breaks the skin
- b). Injured animals-domestic or wild
- c). Aggressive/dangerous animals
- d). Exotic animals at large
- e). Livestock at large
- f). Calls involving bats (never release a confined bat never encourage handling of a bat. Bats are to be humanely euthanized, and prepared for specimen transport).
- g). If Fireman/Police officers are requesting assistance with an animal, ie; animal involved in fire, animal in vehicle when owner is arrested, or situation requiring our assistance.
8. Any other calls require the authorization of the Shelter Manager, or designated person in charge.

WILDLIFE:

All wildlife shall be released when possible, unless showing signs of illness or injury. The animal will be transferred to a licensed wildlife rehabber. Animal can only be euthanized if recommended by wildlife rehabbers, and only after contacting Shelter Manager.

ANIMAL CONTROL VEHICLE:

ACO truck interior is to be cleaned on a daily basis. Truck should be equipped with paperwork used to perform the Officer's duties, such as animal incident forms, bite reports, and livestock contact list. Truck shall have:

1. Leads
2. Muzzles
3. Small carrier
4. Traps
5. Catchpole
6. Small animal tongs
7. Gloves
8. Trash bags
9. Food
10. City's map
11. Cattle list
12. Flashlight

ACO truck cages need to be disinfected after each animal use. Each Officer is to check all fluid levels and air pressure in tires on a weekly basis.

Cleanliness of vehicle: Animal control vehicle will be maintained in good condition inside and out at all times.

- a) Each vehicle will be kept free of litter inside the cab and/or passenger areas at all times
- b) Equipment will be kept stored in the proper place on/in the vehicle
 - 1) Ropes, leashes, halters, etc. shall be kept off the floor and seat of vehicle
 - 2) Control poles, control sticks, etc. shall be stored in proper racks
 - 3) Shovels, gloves, bags, etc. shall be kept in proper compartments
- c) All animal waste will be removed from the vehicle as soon as possible and the vehicle must be cleaned before the Animal Control Officer's day is completed.
- d) The exterior of the vehicle will be cleaned and washed regularly in order to prevent dirt and mud from accumulating on the exterior of the vehicle

2/23/2016 MTrover

Inspection for Rabies Quarantine Facilities and Impoundment/Shelter Facilities

Date Jan 20, 16 Name of Manager Melvin Trover Registration No. 6-148
 Name of Establishment Bayou Animal Service Inspector Dr Richard Henderson
 Location of Establishment 3811 Dickinson Ave Mailing Address 3811 Dickinson Ave
 City Dickinson State TX Zip Code 77539
 Phone 281-337-3117 County Galveston

Note to Inspector: Put Yes, No, or N/A (Not Applicable) in the columns to the right of the question.

Structural Strength		Records (cont)	
1. Is the facility structurally sound and maintained in good repair in order to protect the animals from injury, contain them, and prevent transmission of diseases?	Yes	13. Do records document animal description, impoundment and disposition dates, and method of disposition?	Yes
Water and Electric Power		Heating	
2. Does the facility have reliable and adequate electricity to comply with other requirements?	Yes	14. Are animals protected from cold and inclement weather and direct effects of wind, rain, and snow?	Yes
3. Does the facility have potable water?	Yes	15. Is auxiliary heat or bedding provided if temperature is below 50°F?	Yes
Storage		Cooling and Ventilation	
4. Are food and bedding stored to protect them against infestation or contamination by vermin?	Yes	16. Are animals protected from any form of overheating and from direct rays of sun?	Yes
5. Is a refrigerator available for perishable foods?	Yes	17. Is there adequate ventilation to minimize drafts, odors, and moisture condensation, plus fresh air provided?	Yes
Waste Disposal		Lighting	
6. Are there provisions for the removal and disposal of animal and food wastes, bedding, dead animals, and debris?	Yes	18. Is extra ventilation, such as fans or air conditioning, provided in indoor facilities if temperature is 85°F or above?	Yes
7. Are disposal facilities operated in a manner that minimizes vermin infestations, odors, and disease hazards?	Yes	19. Is lighting adequate to permit routine inspection and cleaning?	Yes
8. Is there a suitable method for rapidly and safely removing water and other liquid wastes?	Yes	20. Are primary enclosures situated to protect the animals from excessive illumination (man-made or natural)?	Yes
Washrooms and Sinks		Construction	
9. Are there facilities (washrooms, basins, or sinks) for employees to wash their hands?	Yes	21. Is the facility constructed to protect the animals and not create a health risk or public nuisance?	Yes
Management		Primary Enclosures	
10. For facilities located in a county with a population of 75,000 or over (only), in accordance with Chapter 823.003:		22. Are building surfaces constructed of nonabsorbent materials that can be readily sanitized?	Yes
a. Are animals separated by species and by sex?	Yes	23. Is the floor made of durable, nonabsorbent material?	Yes <i>Concrete</i>
b. Are animals of relatively the same size sharing cages/pens? <i>Most housed individually</i>	Yes	24. Are primary enclosures maintained in good repair, impervious to moisture, and readily sanitized?	Yes
c. Are sick or injured animals segregated from healthy animals?	Yes	25. Do primary enclosures enable the animal to remain dry and clean and protect the animal's feet and legs from injury?	Yes
11. For facilities located in a county with a population of 75,000 or over (only), in accordance with Chapter 823.005:		26. Do the cages and kennels provide enough space for each animal to be in comfortable positions?	Yes
Has the governing body of the city or county in which the shelter is located established an advisory committee to assist in compliance with Chapter 823?	Yes	Feeding - Bedding - Water	
Records		Feeding - Bedding - Water	
12. Does the facility keep records on each animal?	Yes	27. Are dogs and cats fed at least once a day, except as directed by a veterinarian? Are other animals fed as described on packaging of a commercial, species-specific food or as directed by a veterinarian (see #32 for ferret requirements)?	Yes
		28. Is food wholesome, palatable, free from contamination, of sufficient nutritive value, and accessible to animals?	Yes

Inspector Initials: RH Date: 1/20/16

COPY

Facility: BAYOU ANIMAL SERVICES

Registration No: 6-148

Feeding (cont.)		Rabies Quarantine Facilities (Completed by DSHS Only) - [Section 169.27(a)]	
29. Are food pans kept clean and sanitary, and if disposable food pans are used, are they discarded after each feeding?	Yes	37. Is there documentation of twice-daily observations of quarantined animals?	N/A
C. Watering - [Section 169.26(c)]		Rabies Quarantine Facilities (Completed by DSHS Only) - [Section 169.28(a)]	
30. Do animals have convenient access to fresh water and is it offered at least twice daily for at least an hour?	Yes	38. Does the facility have a written Standard Operating Procedure (SOP)?	
31. Are the water bowls clean and sanitary?	Yes	39. Is the SOP specific for the facility?	
32. Do domestic ferrets have 24-hour access to water in a drinking bottle and to food?	N/A	40. Is the SOP posted or otherwise readily available to all employees?	
D. Sanitation - [Section 169.26(d)]		41. Is the SOP designed to ensure effective and safe quarantine procedures?	
33. Are excreta removed from primary enclosures often enough to prevent contamination of the animals (at least once a day)?	Yes	42. Do enclosures have solid walls to prevent physical contact between animals?	
34. Are primary enclosures maintained in a sanitary condition?	Yes	43. Do enclosures have tops to prevent escape?	
35. Are the building and premises kept clean?	Yes	44. Do quarantine runs, cages, or rooms have "Rabies Quarantine" signs posted?	
E. Pest Control - [Section 169.26(e)]		For Facilities Subject to Chapter 829 (Located in Non-exempt County) - (Sections 829.002 and 829.007)	
36. Is there a regular program in place for control of insects, ectoparasites, and other pests and is the facility free from visible signs of vermin?	Yes	45. This standard is for purposes of meeting requirements set forth in Chapter 829 only. Are all employees whose primary job is to enforce animal control laws in compliance with training requirements (Sec. 829.002)? If so, this inspection form serves as a certificate of compliance per Section 829.007.	Yes

This facility has approximately 45 cat cages and 25 dog cages/pens.

When the facility was inspected today, it was housing approximately 43 cats and 20 dogs.

Inspector Comments: Build out for future Rabies Quarantine planned. Not currently performing rabies Quarantine
Mrs. Julie Robinson, Dickinson City manager, currently organizing Advisory Committee
 Check here if additional inspector comments are attached

Facility Rating: Satisfactory Unsatisfactory _____ Probation _____

If applicable, timeline for probationary period _____

As the inspector, I certify that I have personally inspected this facility and that it conforms to the statements above.

Richard Henderson DVM

Inspector

Jan 20, 2016

Date

[Signature]

Manager

2/11/2016

Date

[Signature]

Regional Veterinarian

2/9/2016

Date



Zoonosis Control
6/08 Stock No. Z-3

COPY

Facility: Bayou Animal ServicesRegistration No: 6-148

Texas Department of State Health Services
Inspection for Rabies Quarantine Facilities and
Impoundment/Shelter Facilities
Z-3 Supplemental for Additional Comments

Inspector comments continued:

Ms Julie Robinson, Dickinson City Administrator,
can be contacted at 281-337-6204 if
additional information is needed regarding this
facility's advisory committee.

This facility is currently using permitted
Contractors for rabies quarantine and Euthanasia.
They hope to be equipped to perform these
services this year.

Shirley Henderson DVM
Lic 4959
Galveston Veterinary Clinic
409-744-5355

COPYInspector Initials: RA Date: 1/20/16

I. PURPOSE

1.01 In accordance with and pursuant to the terms and conditions hereof, Alvin shall permit the Tri-Cities the right to use the Animal Shelter to house animals impounded by the Tri-Cities in the enforcement of their animal control regulations. For the purposes of this Agreement, "animal" shall mean a dog, cat or other small (not exceeding one hundred fifty [150] pounds) warm-blooded animal capable of contracting rabies.

II. CITY OF ALVIN'S OBLIGATIONS

2.01 Alvin shall:

(a) provide the Tri-Cities with space at the Animal Shelter for a maximum of twenty (20) dogs and fifteen (15) cats per month on an as-needed basis subject to available space as determined by Alvin;

(b) provide the Tri-Cities' authorized representatives with access to the Animal Shelter at all times of the day or night for delivery of impounded animals;

(c) submit to the Tri-Cities on a monthly basis an "Impoundment Receipt" for each animal received from any of the Tri-Cities;

(d) care for all seriously sick or injured animals as soon after arrival as possible;

(e) give food, water and other reasonable care needed for all animals impounded;

(f) maintain proper pen facilities and care for animals brought in by the Tri-Cities' authorized representatives for a minimum of ninety-six (96) hours, except as otherwise provided herein;

(g) hold all animals that have an ID or Microchip brought in by the Tri-Cities' authorized representatives for a minimum of ten (10) business days in order to allow the Tri-Cities' authorized representatives to locate and contact the owner;

(h) maintain Certified Quarantine Cages for animals suspected of having rabies and hold such animals for the time specified by the Brazoria County Health District;

(i) have the right to determine when an animal is to be euthanized. All euthanizations shall be conducted by humane methods and in accordance with guidelines of the State Health District Director;

(j) have the right to refuse delivery of animals for impoundment by the Tri-Cities' authorized representatives in the event that Alvin determines that it does not have sufficient space available at the Animal Shelter for such animals;

(k) have the right to collect fees, as provided for in the City of Alvin Code of Ordinances from the owner of an animal reclaiming same;

(l) will invoice the Tri-Cities through the City of Dickinson on a monthly basis with net 30 terms for impounded animals delivered to the Animal Shelter;

(m) shall keep records and statistics of all facilities used at the Animal Shelter. These records shall be submitted monthly as backup to the monthly invoice;

(n) agrees that authorized representatives of the Tri-Cities may inspect the Animal Shelter during regular business hours to determine disposition and status of animals impounded by the Tri-Cities; and

(o) understands and agrees that this Agreement does not include animal control functions or enforcement for the Tri-Cities.

2.02 In cases where an animal is suspected of rabies, Alvin shall hold the rabies suspect in a Certified Quarantine Cage for a period of ten (10) days, or euthanize the rabies suspect, based on the condition of the animal, and submit the remains to the Health Department for examination. When a rabies suspect succumbs during the ten (10) day quarantine period, Alvin shall immediately notify the Health Department of such death and cause the remains to be refrigerated until it can be submitted to the State Health Department Laboratory for laboratory examination for rabies. If after the ten (10) day quarantine period the animal is examined by a licensed veterinarian or certified Animal Control Officer and declared not to have rabies, the animal shall be handled as any other animal not suspected of rabies. Any costs incurred for required veterinary services shall be borne by Alvin.

III. TRI-CITIES' OBLIGATIONS

3.01 All deliveries of stray or unwanted animals to the Animal Shelter shall be permitted through the Tri-Cities' authorized representatives. It is understood that all transportation of impounded animals to the Animal Shelter shall be the responsibility of the Tri-Cities.

3.02 The Tri-Cities shall undertake a 3-day intake process for and vaccinate any animal that will be impounded at the Animal Shelter prior to transporting such animals to the Animal Shelter.

3.03 In the event that the Tri-Cities need to transport an animal to the Animal Shelter directly from the street (hereinafter referred to as a "raw intake"), the Tri-Cities shall be limited to no more than 2 such raw intakes per each day during the term of this Agreement.

3.04 The Tri-Cities shall provide Alvin with documentation for each animal delivered to the Animal Shelter, including the name of the owner, if known, the approximate time and location where the animal was picked up, the dates on which the animal went through the intake process, vaccinations given to the animal, and other pertinent information such as needs for medical care or special attention.

3.05 The Tri-Cities authorized representatives shall coordinate with a designated representative from the Alvin Police Department for after-hours delivery of animals to the Animal Shelter.

3.06 As consideration for the services provided herein, the Tri-Cities agree to pay Alvin a fee of \$100.00 per animal delivered to the Animal Shelter.

3.07 As additional consideration and upon request from Alvin, the Tri-Cities shall provide staff to assist Alvin with providing services to animals impounded by the Tri-Cities at the Animal Shelter.

3.08 The Tri-Cities shall allow Alvin to keep all fees for care permitted by the Codes of Ordinances of each of the Tri-Cities that are collected from owners pursuant to Section 2.01(k) above. Such payments shall be recorded and shall be considered additional consideration to the City of Alvin for services rendered to the Tri-Cities.

3.09 The Tri-Cities understand and agree that this Agreement does not include animal control functions or enforcement by Alvin on behalf of the Tri-Cities.

IV. Limitations

4.01 Alvin reserves the right to refuse to accept for processing or quarantine any impounded animal, pursuant to this Agreement, when in its judgment it is unable to perform hereunder due to temporary overcrowding of the Animal Shelter.

V. Term; Cancellation

5.01 This Agreement shall be in full force and effect for a period of one (1) year from the date of its execution and will automatically be extended for additional one (1) year terms; provided, however, that any party to this Agreement shall have the right to cancellation of this Agreement by giving written notice to the other party not less than thirty (30) days prior to the effective date of said cancellation. Notice under this article shall be provided to:

For Alvin: City Manager
 City of Alvin
 16 West Sealy Street
 Alvin, Texas 77511

For CLS: City Administrator
 City of Clear Lake Shores
 1006 S. Shore Drive
 Clear Lake Shores, Texas 77565

For Dickinson: City Administrator
 City of Dickinson
 4403 Highway 3
 Dickinson, Texas 77539

For Santa Fe: City Manager
 City of Santa Fe
 12002 State Hwy. 6
 Santa Fe, Texas 77510

VI. GENERAL TERMS

- 6.01 Solutions to problems encountered shall follow each respective City's chain of command.
- 6.02 To the extent allowed by law, the Tri-Cities agree to hold Alvin harmless from and against any and all claims or suits brought or made for or on account of any injuries or damages received or sustained by any person, persons, or property arising out of, or occasioned by, the acts or omissions of any of the Tri-Cities individually or their officers or employees relating to the Tri-Cities' use of the Animal Shelter pursuant to this Agreement.
- 6.03 All expenditures herein shall be made from current revenues.
- 6.04 Entire Agreement. This Agreement expresses the entire agreement between the parties hereto regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by the parties hereto.
- 6.05 Authority to Execute. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.
- 6.06 Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Brazoria County, Texas.
- 6.07 Severability. If any provisions hereof are determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such provision shall be fully severable here from and this Agreement shall be construed and enforced as if such invalid, illegal, or unenforceable provision never comprised a part hereof; and the remaining provisions shall continue in full force and effect.
- 6.08 Waiver. This Agreement is not intended to extend the liability of the parties beyond that provided by law. None of the parties hereto waives any immunity or defense that would otherwise be available to it against claims by third parties.
- 6.09 Default. In addition to any and all other rights a party may have available according to law or this Agreement, if a party defaults by failing to substantially perform any provision, term or condition of this Agreement (including without limitation the failure to make a monetary payment when due), the other party may terminate the Agreement by providing ten (10) days written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have ten (10) days from the effective date of such notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the termination of this Agreement.
- 6.10 Force Majeure. If performance of this Agreement or any obligation under this Agreement is prevented, restricted, or interfered with by causes beyond either party's reasonable control ("Force Majeure"), and if the party unable to carry out its obligations gives the other party written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm or other similar occurrence, orders or acts of military or civil authority, or by national emergencies, insurrections, riots, or wars or strikes, lock-outs, work stoppages, or other labor disputes, or supplier failures. The excused party shall use reasonable

efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such cause are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted or caused by such party or its employees, officers, agents or affiliates.

EXECUTED on this the ____ day of _____, 2016, by City of Alvin.

City of Alvin, Texas

By: _____
Paul Horn, Mayor

ATTEST:

Dixie Roberts, City Clerk

EXECUTED on this the ____ day of _____, 2016, by City of Clear Lake Shores.

City of Clear Lake Shores, Texas

By: _____
Vern Johnson, Mayor

ATTEST:

Christy Stroup, City Secretary

EXECUTED on this the ____ day of _____, 2016, by City of Dickinson.

City of Dickinson, Texas

By: _____
Julie Masters, Mayor

ATTEST:

Carolyn Anderson, City Secretary

EXECUTED on this the ____ day of _____, 2016, by City of Santa Fe.

City of Santa Fe, Texas

By: _____
Jeff Tambrella, Mayor

ATTEST:

Janet Davis, City Secretary

ADJOURN

TIME: _____

MOTION: _____

SECOND: _____

VOTE _____