



CITY OF HOUSTON

Administration & Regulatory Affairs
Department

Bill White
Mayor

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September 28, 2009

To: All Veterinarians

From: Alfred J. Moran, Jr., Director

RE: City of Houston Pet Licensing

Chapter 6 of the City of Houston Code of Ordinances ("Chapter 6") requires all dogs and cats to be licensed by the City of Houston Bureau of Animal Regulation and Care ("BARC") through the Director of the Health and Human Services Department ("Department"). The requirement exists to assist with the control of rabies, which is the responsibility of the Department as the duly designated local health authority pursuant to the Rabies Control Act of 1981, Chapter 826 of the Texas Health and Safety Code.

Chapter 6 (Section 6-90 and 6-96) allows for the Director to duly deputize any veterinarian or other person not employed by the City of Houston as a deputized licensing authority. **Chapter 6 requires each veterinarian who vaccinates any dog or cat for rabies within the city limits to either:**

- (1) License the animal while acting as a deputy licensing authority at the time of the administration of the vaccination; or
- (2) Provide a copy of the veterinarian's fully executed vaccination certificate for the animal to the Chief of BARC – or pursuant to Section 826.016 of the Texas Health and Safety Code to third parties such as PetData – setting forth the following information:
 - a. A description of the dog or cat (shall include breed, age, color and sex);
 - b. Whether the animal has been spayed or neutered (if known or determinable by the veterinarian);
 - c. The serial number of the rabies vaccination tag furnished;
 - d. The name and current address of the person owning or keeping the animal; and
 - e. The number of the City of Houston registration tag worn by the animal, if any.

Veterinarians in violation of any provision of Chapter 6, including the provision of the fully executed vaccination certificate, are subject to a fine of up to \$500. Each day that the violation continues shall constitute a separate offense.

Section 826.0211 of the Texas Health and Safety Code prohibits the release of information gathered for a rabies certificate to anyone other than a governmental entity. However, Section 826.016 allows the municipality to enter into contracts with a private entity to carry out the activities required or authorized under Chapter 826. The City of Houston has contracted with PetData to receive the rabies certificate information from veterinarians and assist in dog and cat licensing activities. Accordingly, the information detailed in items (2) a through (2) e above must be provided to PetData in accordance with Chapter 6 of the Code of Ordinances. A copy of Section 826.0211 and Chapter 6 are included for your reference.

Your compliance with these laws will help lower euthanasia rates for Houston animals. Only 6% of lost animals brought to the BARC facility are returned to their owners and/or adopted into a new home, primarily because very few of the animals brought to the BARC facility have any identification tag or microchip. Of an estimated 964,000 dog or cat pets in Houston, only 44,000 are currently licensed, a compliance rate of only 4.5%. Your efforts in increasing the compliance rate for licensing dog and cat pets could provide lifesaving information for these animals.

Methods of Compliance

For veterinarians, complying with data submission requirements is easy and may be accomplished through multiple means:

BY MAIL:

City of Houston Animal Licensing
C/O PetData
PO Box 141929
Irving, TX 75014-1929

BY FAX:

Rabies vaccination certificates may be faxed to PetData at: (214) 821-3106

BY E-MAIL:

Rabies vaccination certificates may be e-mailed to: houstonreports@petdata.com

ON-LINE:

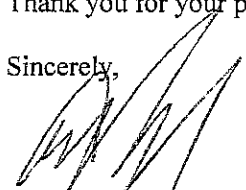
On-line submission of vaccination certificates is not currently available. Veterinarians seeking the ability to upload rabies certificates should contact PetData directly at 1-800-510-7734 ext. 516.

For pet licensing questions, please call the PetData City of Houston account representatives at 1-800-510-7734 and speak to either Mark Gilbert ext. 519 or Marilee Seay ext. 516.

If you have any other questions or concerns, please feel free to contact Gerry Fusco at (713) 229-7309, or you may call me directly at (713) 837-9660.

Thank you for your participation in this important licensing program.

Sincerely,



Alfred J. Moran, Jr. Director
Administration and Regulatory Affairs Department

Enclosures

cc: Mayor Bill White
Michael Moore, Chief of Staff, Office of the Mayor
Elena Marks, Special Assistant to the Mayor
Arturo Michel, City Attorney
Randy Zamora, Chief Prosecutor
Frank Michel
Gerry Fusco, BARC
Tina Paez, Deputy Director, ARA
Nikki Cooper, Analyst, ARA

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 826. RABIES

SUBCHAPTER A. GENERAL PROVISIONS

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. 826.0211. **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, Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 686, Sec. 1, eff. June 15, 2007.

DIVISION 2. LICENSE AND VACCINATION

Sec. 6-86. License required.

(a) No person shall own, keep, possess, or have control over any dog or cat within the city unless such person has a current city license for such dog or cat, provided that a city license shall not be required for:

- (1) Dogs and cats under the age of four months which are confined in a place owned or under the possession of the person having ownership, possession or control of the dog or cat within an enclosure which is sufficient to prevent escape therefrom;
- (2) Dogs or cats owned by or in the possession or control of persons who are nonresidents of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding 30 days;
- (3) Dogs or cats brought into the city exclusively for the purpose of entry in any show or exhibition, and which are actually entered in and kept at such show or exhibition;
- (4) Dogs or cats kept for teaching or research purposes by a medical school, veterinary school, licensed hospital or nonprofit university or college providing a degree program;
- (5) Dogs or cats kept for the purposes of medical observation or treatment in veterinary hospitals;
- (6) Dogs or cats kept in the shelter facilities of a humane organization;
- (7) Dogs or cats originally acquired by the person owning, keeping or having possession thereof within the preceding 30 days;
- (8) Dogs or cats owned by or in custody or under control of persons who have been residents of the city for 30 days or less.
- (9) The dog or cat which is owned by a person who does not reside within the city and:
 - a. The animal has a current rabies vaccination; and
 - b. The animal has a current license as issued by the city, county or other applicable licensing authority governing the licensing of animals in the place where the animal is normally kept by its owner.

In any prosecution under this section, the burden shall be upon the defendant to establish as an affirmative defense that one of the exceptions set out in subparagraph (a)(1) through (a)(9), above, is applicable.

(b) No person shall permit any dog or cat on any premises under his ownership, possession or control unless there is a current license issued for such dog or cat; provided, however, it shall be an affirmative defense that the animal is not required to have a license pursuant to any applicable exception listed in subsection (a) above.

(c) A person may obtain a license for a cat or a dog (either sterilized or unsterilized) by completing the appropriate application therefor, paying the prescribed license fee, and furnishing proof of vaccination against rabies. Additionally, for a sterilized pet license, proof must be provided that the animal has been sterilized. Except where the health officer is able to determine by external examination that the animal has been sterilized, the proof shall be provided by certificate of a veterinarian. The license must be renewed each year by providing proof of vaccination against rabies and the payment of the renewal processing fee.

(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85; Ord. No. 93-996, §§ 2, 3, 8-18-93; Ord. No. 03-393, § 3, 4-23-03; Ord. No. 05-104, § 2, 2-2-05)