ORDINANCE NO. 149

AN ORDINANCE FOR THE CONTROL AND SUPPRESSION OF TUBERCULOSIS AMONG CATTLE IN THE COUNTY OF SOLANO

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO DO ORDLIV AS FOLLOWS:

SECTION I. DEFINITIONS. For the purpose of this ordinance the following words, names, and terms shall be construed, respectively to mean:

(a) the department: The United States Department of Agriculture.
(b) the bureau: The bureau of animal industry of the United States Department of Agriculture.
(c) the state: Department of agriculture of the State of California.
(d) disease: Tuberculosis of cattle.
(e) employees: Inspectors and all individuals employed or authorized by the bureau, County Live Stock Inspector, state or county to do any work or perform any duty in connection with the arrest and eradication of tuberculosis of cattle.
(f) accredited veterinarians: Veterinarians accredited by State and Bureau.
(g) destroyed: Condemned and destroyed by slaughter or by death otherwise.
(h) "tuberculin" means the product of the growth of the tubercle bacillus from any source, used or intended to be used in diagnosing tuberculosis in cattle.
(i) "tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.
(j) "reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or that is adjudged tuberculous on physical examination by the county live stock inspector or an accredited veterinarian working under the provisions of this ordinance.
(k) "grade animal" means any animal not identified in the herd book of any breed record association recognized by the United States Department of Agriculture.
(l) "purebred animal" means an animal identified in the herd book of a breed record association recognized by the United States Department of Agriculture.
(m) "premises" mean any place where cattle have been or are kept or transported.
(n) "cattle" and "bovine animals" means neat cattle.
(o) "dairy cattle" means cattle which are being used for dairy purposes, irrespective of breed, or previous use.
(p) "beef cattle" means cattle which are being used for beef purposes, irrespective of breed, or previous use.
(q) "person" includes firm, corporation, company or association.
(r) "approved veterinarian" means a veterinarian who has been granted permission by the State Department of Agriculture to buy, possess or use tuberculin.

SECTION II. The Board of Supervisors of Solano County, by authority conferred in Section 324.85 of the Agricultural Code of California do hereby declare the whole of Solano County a voluntary tuberculosis control area for the purpose of eradicating bovine tuberculosis therein, wherein all dairy cattle, and, with the consent of the owner, such beef cattle as may
be desirable shall be examined and tuberculin tested as often as may be necessary in order to determine which animals are affected with tuberculosis.

SECTION III. THE TESTING OF CATTLE for tuberculosis shall be done by the county live stock inspector or a bureau veterinary inspector, or a cooperating regularly employed state or county veterinary inspector, or an accredited veterinarian.

SECTION IV. BRANDING OF REACTORS. Each reactor shall, immediately upon the determination of such reaction be marked for identification by permanently branding the letter "T" on the left jaw, not less than 3 inches high and 2 inches wide at the top, and by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S.B.A.I. Reactor", or a similar state reactor tag.

SECTION V. DISPOSITION OF REACTORS. Any bovine animal in Solano County reacting positively to a tuberculin test conducted by a veterinarian as provided in SECTION III of this ordinance, shall immediately be segregated from other bovine animals which are not reactors and shall be slaughtered within 30 days from the date when said animal was determined to be a reactor in accordance with the provisions of this ordinance. The reacting cattle shall be slaughtered under supervision of a federal, state, or state approved municipal inspector.

SECTION VI. The cattle declared to be positive reactors shall be appraised by a representative of the bureau, or a cooperating representative of the state or county. If the owner refuses to accept such appraised value, animals shall be appraised by three disinterested parties, one of whom shall be selected by the bureau's representative, one by the cattle owner, and the third by the two selected parties. Should an owner refuse to accept this appraisal, no indemnity will be paid.

The appraisals of all cattle shall be reported on forms provided for this purpose by the bureau, which the owner or his agent will be required to sign before any payment is made for the slaughter of such cattle.

SECTION VII. INDEMNITY. The amount of indemnity to be paid shall be determined by the laws, rules and regulations promulgated by the legal authorities of the U.S. Bureau of Animal Industry.

SECTION VIII. No indemnity shall be paid any person in any of the following cases:
(a) For any cattle destroyed on account of tuberculosis unless the owner has complied with all lawful quarantine regulations, and unless the owner shall have executed the necessary forms.
(b) For claims arising out of the condemnation of cattle for tuberculosis on a tuberculin test by an accredited veterinarian, except under specific instructions issued to him and signed by the proper state and federal authorities.
(c) For any tuberculosis cattle unless the entire herd is under federal, state and county supervision for the eradication of tuberculosis.
(d) Until all infected premises have been properly cleaned and disinfected with a disinfectant permitted by the United States Bureau of Animal Industry in accordance with recommendations of the proper state or bureau officials.
for tuberculous steers or for bulls which are not registered purebreds.
(f) For any animal which reacted to a tuberculin test and was branded with a "T" on the left ear prior to the date this ordinance becomes effective; nor will indemnity be paid for any animals as long as such previously branded reactors are not slaughtered.
(g) For any cattle introduced into a herd under supervision, unless obtained in accordance with the provisions of this ordinance.
(h) For cattle classified as tuberculous unless such cattle react to the tuberculin test or reveal lesions of the disease upon autopsy.
(i) For any cattle contained in a herd if, in the opinion of the Chief of Bureau, there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for condemned cattle.
(j) For any reacting bovine animal which has not been slaughtered within 30 days from the date when said animal was determined to be a reactor, except that in extraordinary and meritorious cases and at the discretion of the Chief of Bureau, such time limit of 30 days may be waived; however, no such waiver shall be given in order to allow a cow to produce a calf.
(k) For any animal owned by the United States, State of California, or any county, city, town or township.

SECTION IX. DISINFECTION. After removal of reactors the premises occupied by the reactors, such as barns, corrals, water troughs, and vehicles used for transporting reactors must be cleaned and disinfected by the owners thereof at their expense, under supervision of a bureau, state or county inspector before indemnity can be paid.

SECTION X. IMPORTATION OF CATTLE INTO VOLUNTARY TUBERCULOSIS CONTROL AREA. Cattle of the following classes may enter Solano County in accordance with the requirements as indicated:
(a) From Federal-State accredited herds.
(b) From Federal-State accredited counties.
(c) From tuberculosis control areas or voluntary tuberculosis control areas of California when the cattle originate in herds regularly tuberculin tested.
(d) From within the state of California, either from herds not regularly tuberculin tested in tuberculosis control areas or voluntary tuberculosis control areas, or from counties not declared tuberculosis control areas, if accompanied by a veterinarian's certificate showing the animals to have been negative to a tuberculin test applied within 30 days prior to movement and to have originated from a herd or herds in which all of the cattle have been tuberculin tested and not more than ten percent reactors found. The certificate must be issued on a form obtained from the State Department of Agriculture and duplicate copies of the certificate must be forwarded to that office on or before date of movement.

Such cattle must be held under supervision and tuberculin retested at the owner's expense within 90 days from date of last tuberculin test. Indemnities will not be paid by the bureau for any of the animals found to react to such retest.
(e) From without the State of California if in accordance with federal interstate regulations. Unless such cattle originate in Federal-State accredited herds or counties, they must be held under supervision and tuberculin retested at the owner's expense within 90 days from date of last tuberculin test. Indemnities will not be paid by the bureau for any of the animals found to react to such retest.

(f) Beef breeds for feeding or grazing purposes, unless tuberculin tested, must be accompanied by owner's affidavit stating the cattle are of beef breeds for feeding and grazing purposes and will be kept under fence or natural barriers separate and apart from tested cattle. A copy of the affidavit must be forwarded to the State Department of Agriculture on or before date of shipment.

(g) Cattle tested and found to be reactors and branded, when shipped for immediate slaughter.

SECTION XI. Any federal, state or county veterinarian employed under the provisions of this ordinance may ear tag or otherwise identify any bovine animal to establish the identity of said animal while applying a tuberculin test thereto.

SECTION XII. All owners of cattle subject to examination and tuberculin test under the provisions of this ordinance shall provide necessary facilities and render such assistance as the county livestock inspector or a veterinarian may require for conducting tuberculin tests.

SECTION XIII. It is unlawful:

(a) To obstruct, attack or interfere with, or permit to be obstructed, attacked, or interfered with, a federal, state or county veterinarian employed to tuberculin test cattle under this ordinance.

(b) To attempt to defeat, obstruct or interfere with the application of a tuberculin test.

(c) To neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation or other procedure pertaining to a tuberculin test.

(d) To apply a tuberculin test to any bovine animal which has at any time been found to be a reactor by an approved, federal, state or county veterinarian.

(e) For any owner or person in charge of cattle, which have been tested in accordance with the terms of this ordinance, to allow any of such cattle to intermingle with cattle that have not been so tested, or to allow such tested cattle to use any facilities for drinking or for shelter that have been used by untested cattle without first cleaning and disinfecting said premises under supervision of a bureau, state or county inspector.

SECTION XIV. The pedigree of any purebred bovine animal shall be proved by a certificate of registry from the herd books where registered, and the registration papers of any purebred bovine animal slaughtered on account of tuberculosis, and for which indemnity is paid, shall be marked "Canceled" by the bureau.

SECTION XV. To carry out the provisions of this ordinance the veterinarians or agents designated in this ordinance may at any time or place enter upon any premises except dwelling houses.
SECTION XVII. If any owner or person in charge of cattle, after ten days' notice in writing, refuses properly to confine in corral or stanchion any cattle which are subject to examination, tuberculin testing, branding or slaughter, the Sheriff of Solano County may employ help and incur such expense as is necessary to properly examine, tuberculin test, brand, or slaughter, said cattle. The expense so incurred is a lien upon said cattle, and, unless paid within ten days after written notice of the amount of the same has been given by the Sheriff of Solano County to the owner or person in possession of said cattle, the lien shall be enforced in the manner prescribed in Section 5052 of the Civil Code of California.

SECTION XVIII. Any person, association, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00), or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment.

SECTION XIX. Cattle which are being used in University of California experimentation work, provided the same be situated on isolated premises and isolated from all other cattle, shall be exempt from the operation of this ordinance.

SECTION XIX. This ordinance shall take effect and be in full force and effect on and after the 1st day of January 1936.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Solano at a regular adjourned meeting on the 16th day of December, 1935, by the following vote:

ABSENTEE: None.

ARTS: Supervisors Brown, Damon, Stovel, and Schneiser.
NOTE: Supervisor Aniolson.

G. T. Schneiser
Chairman of the Board of Supervisors of the County of Solano, State of California.

ATTEST: [SEAL]

C. G. Holliday
County Clerk, and ex-officio Clerk of the Board of Supervisors of the County of Solano, State of California.