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State of Iowa
1929

LAW RELATING TO
BOVINE TUBERCULOSIS
ERADICATION

INCLUDING AMENDMENTS BY THE
FORTY-THIRD GENERAL ASSEMBLY
EFFECTIVE JULY 4, 1929

TOGETHER WITH EXPLANATION OF THE PROGRESS
AND ESSENTIAL DETAILS OF THE WORK

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SUMMARY OF BOVINE TUBERCULOSIS ERADICATION LAW

The law and decisions of the Supreme Court recognize that this law is a public health measure.

The constitutionality of the law has been upheld by the Supreme Court.

The amendments to the law made by the Forty-third General Assembly make it mandatory in all counties of the state.

The law provides for the co-operation of county, state and federal authorities in the eradication of bovine tuberculosis.

The testing is conducted on two plans; the accredited herd and the county area plan.

The county area plan was formerly established by a petition of cattle owners or by a majority vote at election. The new law makes it mandatory that all counties be established on the area basis.

Animals must be appraised before they are tested.

Animals that react to the test must be slaughtered promptly if the owner secures indemnity.

Indemnities are provided to partially pay owners for the loss on animals that react to the test.

Owners first receive any salvage from the packing house. Then they receive indemnities from the state covering one-third of the difference between the appraised value of the animals and the salvage and a like one-third from the federal government subject to maximum state and federal indemnities. The owner must stand the remaining one-third of the difference. Under average conditions the owner will lose about one-fifth of the appraised value of the animal. The maximum indemnity that can be paid by the state is \$50.00 on grades and \$75.00 on pure breds. The maximum indemnity paid by the federal government is \$35.00 on grades and \$70.00 on pure breds. When the state or federal funds are exhausted, the same indemnities are paid out of the county funds.

Provisions are made by law for retesting of accredited counties in accordance with federal regulations.

PROGRESS IN BOVINE TUBERCULOSIS ERADICATION

Iowa has been making rapid progress in the eradication of bovine tuberculosis. The state-wide tuberculosis law which was passed by the Forty-third General Assembly is one of the most important steps that has ever been taken in any state for the protection of human and animal health. It is the most economical method of eradicating the disease from our live stock and therefore, should have the hearty co-operation of everyone in the state.

There were 47 accredited counties in the state on June 1, 1929. Fourteen of these counties have been recredited. In order for a county to be accredited, the percentage of bovine tuberculosis must be reduced to less than one-half of one per cent as shown by the last complete test. After a county is accredited it is allowed to remain for three years and is then retested. At the time indicated above there were, in addition to the 47 accredited counties, 13 that were actively engaged in completing the testing for accreditation, four counties where the work was temporarily dormant, five that had voted for the work at the general election in 1928 but could not start as no levy was made, and 30 counties that will start the work under the change in the law which makes the work state-wide.

In addition to the work on the county area basis, there has been considerable accredited herd work maintained. There was a total of 3,112 accredited herds in the state. These herds had a total of 76,319 cattle. During the year of 1928 a total of 869,248 tests were applied to cattle. These cattle were located in 56,121 herds.

A brief history of the tuberculosis eradication work in the state shows the gradual growth of the work. The action of the legislature in passing the new state-wide law was simply a continuation of the policy that was established in 1919 when the state first entered into the campaign for the eradication of tuberculosis. At that time an appropriation of \$100,000 was made to co-operate with the federal department in the establishment of accredited herds.

In 1921 the state appropriation was increased to \$250,000. In 1923 the state could no longer meet the demands for testing on an accredited herd basis and the county area law was passed,

providing for county areas and county support to state and federal funds.

In 1925 and 1927 the county area law was amended to remove any inequality to cattle owners and to distribute the cost equitably to all. There have been no changes in these policies, so that the new state-wide law, which goes into effect on July 4, 1929, is not a drastic change of policy but simply a further extension of tuberculosis eradication policy which has been in effect for the past 10 years.

The only essential difference between the new and the old law is in regard to the method of starting the work in the county. Under the old law, a county could start the work by petition of cattle owners or by a vote of the people at the general election. Under the new law all such methods are repealed and the testing is made state-wide but the counties are retained as units in the work.

FINANCES AND COSTS

There will be no change in the financing of the work. Counties that are already cleaned up will not be penalized as new counties will be required to aid in financing the work in their counties and the money raised in one county cannot be spent in another county. The indemnity paid to farmers on animals that react to the tuberculin test remains the same, except that the federal government has recently raised the maximum indemnity which they will pay to \$35.00 on grades and \$70.00 on pure breds, instead of \$25.00 and \$50.00 as in the past.

Perhaps a word of explanation about the cost to the individual farmers would not be out of place. The appraisals of condemned cattle which were paid for during the month of April, 1929, showed an average value of \$115.47 per head. The average salvage, which is the net receipts to the farmer directly from the packing house where the animals were killed, was \$51.42. The average indemnity, which is the amount received by producers from the state and federal governments, amounted to \$41.12. The sum of these two makes a total of \$92.54 which the farmer received for reactor cattle which were appraised at \$115.47, or an average cost to the farmer of \$22.93 for his share of the loss on each reactor. This represented a little less than one-fifth of the appraised value of the animals. In view of the fact that less than two per cent of the animals tested in 1928 reacted to the test, the proportion of the cost paid by the producer is relatively small, except where the producers are unfortunate enough to have a badly infected herd.

OTHER CHANGES IN LAW

Two other changes were made in our laws relative to the importation of cattle into the state. It has been definitely proven that the infection of tuberculosis in our cattle came from diseased cattle which were imported into the state a good many years ago. For a good many years Iowa has been requiring that all dairy and breeding cattle be tested before being imported into the state. The recent legislature decided that the time had come to stop, not only animals which showed infection, but also importation of cattle from infected herds. Therefore, they provided for a 60 to 90 day retest of dairy and breeding cattle coming into the state, except those that come from accredited herds or herds that were free from tuberculosis in clean counties.

The control of contagious abortion is also a vital question. Infection which is found in the state from this disease is also largely traceable to cattle which have been imported into the state. The legislature, in meeting this question, decided that the first step was to require all dairy and breeding cattle to pass the agglutination test for contagious abortion before allowing such cattle to be imported. This action should be a constructive help in the prevention of further infection to our herds from this source.

NO CHANGE OF POLICY

There will be no change of policy in the administration of the new state-wide tuberculosis law when it goes into effect. The testing will be completed in counties that are already doing area work. Then the work will be started in the remaining counties as funds will permit.

It is generally recognized that there are three important factors that must be considered in the eradication of tuberculosis, namely:

1. The protection of human health.
2. The prevention of reinfection of clean counties.
3. The elimination of losses in live stock.

In our future plans for starting the work in the different counties, we will bear these different facts in mind. It is necessary to stop reinfection of clean areas wherever possible. It is also necessary to meet the demands of consumers for the products of healthy cows, as well as to prevent further losses to live stock through the spread of disease in counties that have not yet started the test.

Before work can start in a county on an area basis, it is necessary that county officials make a levy, not to exceed three mills

in any one year. Such levies are made in the early fall but are not collected until the following spring and fall. Therefore, it will be necessary for such levies to be spread and collected before any large amount of work can be done in any of the new counties. When such a levy is made by the board of supervisors, it enables the state and federal authorities to make an allotment of their appropriation to such county. The state and federal funds must be used before the county funds are used, so that it is often possible to start the work in a county soon after January 1st even though the county funds do not become available until April 1st.

In any case it will mean that little, if any, work will be done before January 1, 1930, in any of the 30 counties that were not enrolled under the old plan.

It will probably not be possible to take care of all of the 30 additional counties in 1930 on account of a shortage of funds, as well as tuberculosis inspectors. It will be first necessary to do the testing in the counties already enrolled and those requiring retest work. Then we will take care of such additional counties as can be handled in a practical and economical manner, bearing in mind at all times the need of finishing the job as quickly and as economically as workers and funds will permit.

EFFECTIVENESS OF THE WORK

Sometimes the question is asked as to whether the eradication work is effective. In 1922, before the area work started, the cattle tested in Iowa showed 5.72% tubercular. The cattle tested during 1928 showed only 1.57% tubercular. Since the work started in the state the data collected by the federal meat inspectors shows that over 90% of the reactors show visible lesions of tuberculosis when they are slaughtered. A large portion of those which do not show visible lesions are from infected herds, thus showing that they have been subject to infection but the disease has not developed to the point where lesions are observed on post mortem.

The progress of eradication is not only noticeable in cattle but the effect is also noticeable in hogs. In 1924, when the area work was getting under way in the different states, 15.2% of all the hogs killed under federal inspection were retained for tuberculosis. In 1928, the percentage of retained hogs had dropped to 12.1%. There was a still further drop in the percentage of the hog carcasses that were sterilized or condemned.

The 47 counties that have completed the work are concrete evidence of the effectiveness of the work. The percentage of the

tuberculosis was reduced to less than one-half of one per cent in each of these counties. When these counties were first tested the percentage of tuberculosis showed from one to six per cent. The 14 counties that have been reaccredited by testing the cattle after a period of three years also shows the effectiveness of the work. All of these counties showed material improvement. All have been reaccredited by one test plus a retest of any infected herds. In some of the counties only a partial test was necessary in order to prove that the percentage of tuberculosis was low enough to justify reaccreditation without a complete test of all cattle.

AVIAN (POULTRY) TUBERCULOSIS

There has been a great deal of interest in the eradication of avian (poultry) tuberculosis. This is essential from a two-fold standpoint: first, on account of the loss directly to the poultry industry; and second, on account of the fact that a great many of the retentions in hogs are traceable to poultry infection.

Practical field work in the eradication of avian tuberculosis shows that it is a problem that can be largely met by individual action on the part of producers. It has been demonstrated that when young birds are raised on clean ground, away from old birds, using modern methods of hatching and brooding, that they will be practically free from tuberculosis and will make more profitable birds on account of freedom from other diseases as well as tuberculosis. Anyone who is interested in this phase of the problem may obtain a special bulletin on this subject by writing to the department.

TATTOOING OF HOGS

Packers have voluntarily offered to pay a premium of ten cents per 100 pounds for hogs that are bred and fed in accredited counties if the hogs meet the following provisions: first, they must be tattooed so that they may be identified when killed; second, the owner or shipper must furnish a certificate with the shipment certifying that the hogs are from an accredited county; third, the hogs must not show over 10% of retentions and none condemned or sterilized.

In a good many counties the ten cent premium has been an important factor in increasing the returns from hogs. It should be understood that this is not a part of the tuberculosis eradication law but is simply a voluntary arrangement of the packers who have considered that the hogs from clean counties were worth more money and have taken this means of paying it.

THE HANDLING OF FEEDING CATTLE

Steers may be brought into and kept in a county under the area plan without being tested if they are kept as a separate unit from the breeding cattle. This means that they shall be quarantined, watered and fed apart from breeding cattle.

The exception to the above rule is that a person may maintain a few female cattle, the products of which are intended for family use, and these cows may be tuberculin tested without being denied the use of the same pastures and watering troughs as the steers. This does not apply to female cattle, the products of which are handled commercially. Cows kept under such conditions cannot be sold for any other purposes than slaughter without being subjected to an additional tuberculin test.

Untested female cattle and bulls of a beef breed for feeding and grazing purposes may be shipped into a county doing area work, provided they are marked for identification by being branded skin-deep with the letter "F" not less than two inches nor more than three inches high on the right jaw, or they may be brought in unbranded if from a state and federal accredited tuberculosis-free herd or area. Female cattle and bulls for feeding and grazing purposes must be kept quarantined and separated from other tested cattle.

PUBLIC DEMANDS TESTING

When the work of eradicating bovine tuberculosis was started 10 years ago, dairymen were afraid of the effect of testing upon the consumption of dairy products. Instead of decreasing consumption, the testing for tuberculosis has increased the confidence of the consumer in dairy products, with the result that today there is 33% greater consumption of milk than was true 10 years ago. This increased consumption is not only a benefit to dairymen but nutritional troubles, especially with children.

Research work by many different authorities have definitely proven that bovine tuberculosis is transmissible to humans. For this reason the eradication of bovine tuberculosis is a public health measure as well as a means of increasing the effectiveness of live stock production. Supreme Court decisions in Iowa and other states have definitely recognized this phase of the law. The research work of eminent health authorities together with the court decisions are undoubtedly responsible for the fact that the public have not only demanded products from cattle that are known to be free from tuberculosis but have willingly helped in the financing of the eradication work through county, state and federal taxes.

IOWA TUBERCULOSIS ERADICATION LAW

CHAPTER 129, CODE OF 1927, AS AMENDED BY THE FORTY-THIRD
GENERAL ASSEMBLY

2665. **Co-operation of state and federal authorities.** The state department of agriculture is hereby authorized to co-operate with the federal department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

2666. **Testing and examining herds.** (Repealed by the 43d G. A. and the following substituted)

State established as accredited area. The State of Iowa is hereby declared to be and is hereby established as an accredited area for the eradication of bovine tuberculosis from the dairy and breeding cattle of the state. It shall be the duty of the department of agriculture to eradicate bovine tuberculosis in all of the counties of the state in the manner provided by law as it appears in Chapter 129, of the Code of Iowa, 1927, as amended. Said department shall proceed with the examination, including the tuberculin test, of all such cattle as rapidly as practicable and as is consistent with efficient work, and as funds are available for paying the indemnities as provided by law.

After the effective date of this act it shall be the duty of each and every owner of dairy or breeding cattle in the state to conform to and abide by the rules laid down by the state and federal departments of agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

2667. **Petition blank.** (Repealed by the 43d G. A.)

2668. **Appraisal.** Before being tested, such animals shall be appraised at their cash value for breeding, dairy, or beef purposes by the owner and a representative of the state department of agriculture, or a representative of the federal department of agriculture, or by the owner and both of such representatives. If these parties cannot agree as to the amount of the appraisal, there shall be appointed three competent and disinterested persons, one by the state department of agriculture, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final. Every appraisal shall be under oath or affirmation and the expense of the same shall be paid by the state, except as provided in this chapter.

2669. **Presence of tuberculosis—use of infected animals.** If after such examination, tubercular animals are found, the department shall have authority to order such disposition of them as it con-

siders most desirable and economical. If the department deems that a due regard for the public health warrants it, it may enter into written agreement with the owner, subject to such conditions as it may prescribe, for the separation and quarantine of such diseased animals. Subject to such conditions, the diseased animals may continue to be used for breeding purposes.

2670. Forfeiture of right to receive compensation. Any animal retained, under the preceding section, by the owner for ninety days after it has been adjudged infected with tuberculosis shall not be made the basis of any claim for compensation against the state.

2671. Amount of indemnity to be paid owner. When breeding animals are slaughtered following any test, there shall be deducted from their appraised value, the proceeds from the sale of salvage. The owner shall be paid by the state one-third of the sum remaining after the above deduction is made, but the state shall in no case pay to such owner a sum in excess of seventy-five dollars (\$75.00) for any registered pure bred animal or fifty dollars (\$50.00) for any grade animal.

2672. Pedigree. The pedigree of pure bred cattle shall be proved by a certificate of registry from the herd books where registered.

2673. Limitation on right to receive pay. (Repealed by the 43d G. A. and the following substituted.)

Compensation not paid when. No compensation shall be paid to any person for an animal condemned for tuberculosis unless said animal, if produced in, or imported into, the state has been owned by such owner for at least six months prior to condemnation or was raised by such person.

2674. Preference in examinations. (Repealed by the 43d G. A. and the following substituted.)

Priority of test. The department in making examinations of cattle shall give priority to applications by owners for the testing of dairy cattle from which are sold, or are offered for sale, in cities and towns, milk or milk products in liquid or condensed form.

2675. Examination by department on its own motion. The department may at any time, on its own motion, make an examination of any herd, and in case animals are destroyed, the appraisement and payment shall be made as provided in this chapter.

2676. Records public. All records pertaining to animals infected with tuberculosis shall be open for public inspection and the department shall furnish such information relative thereto as may be requested.

2677. Accrediting tuberculosis-free herds. The department shall establish rules for determining when a herd of cattle, tested and maintained under the provisions of this chapter, the laws of the United States, and the rules of the state and federal departments of agriculture, shall be considered as tuberculosis-free. When any

herd meets such requirements the owner shall be entitled to a certificate from the department showing that the herd is a tuberculosis-free accredited herd. Such certificate shall be revoked whenever the herd no longer meets the necessary requirements for an accredited herd, but the herd may be reinstated as an accredited herd upon subsequent compliance with such requirements.

2678. Tuberculin. The department shall have control of the sale, distribution, and use of all tuberculin in the state, and shall formulate rules for its distribution and use. Only a licensed veterinarian shall apply a tuberculin test to cattle within this state.

2679. Appointment of inspectors and assistants. The department may appoint one or more accredited veterinarians as inspectors for each county and one or more persons as assistants to such inspectors. Such inspectors, with the assistance of such person or persons, shall test the breeding cattle subject to test, as provided in this chapter, and shall be subject to the direction of the department in making such test.

2680. Accredited veterinarian defined. An accredited veterinarian is one who has successfully passed an examination set by the state and federal departments of agriculture and is authorized to make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States Department of Agriculture.

2681. Equipment for inspector. The department may furnish each inspector with the necessary tuberculin and other material not including instruments and utensils, necessary to make the tests provided for in this chapter.

2682. Compensation. An inspector shall receive a compensation not to exceed ten dollars per diem and ten cents for every mile traveled while engaged in such work. Unless such compensation is fixed in the biennial salary act it shall be approved by the committee on retrenchment and reform.

2683. Establishment by petition of breeders. (Repealed by the 43d G. A.)

2684. Sufficiency of petition—enrollment. (Repealed by the 43d G. A.)

2685. Agreements filed with department. (Repealed by the 43d G. A.)

2686. Levy for eradication fund. (Repealed by the 43d G. A. and the following substituted.)

Tax levy. In each county in the state, the board of supervisors shall each year when it makes the levy for taxes, levy a tax sufficient to provide a fund to pay the indemnity and other expenses provided in said Chapter 129 as amended, except as provided therein, but such levy shall not exceed three (3) mills in any year upon the taxable value of all the property in the county.

2687. Collection—use of fund. Such levy shall be placed upon

the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in a fund to be known as the county tuberculosis eradication fund, and the same shall only be used for the payment of claims as provided in this chapter.

2688. **Report by auditor as to fund.** The county auditor of each county shall, not later than July fifteenth of each year, certify to the secretary of agriculture a report showing the amount in the tuberculosis eradication fund on July first of each year.

2689. **Levy omitted in certain years.** Should it appear to the secretary of agriculture that the balance in such fund is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor and when such certification has been made the board shall make no levy for such tuberculosis eradication fund for such year.

2690. **Availability of county fund.** After the amount allotted in any year by the department to any county enrolled under the county area plan has been expended or contracted in said county, or at any time that there ceases to be available for such county any federal funds for the eradication of bovine tuberculosis, the county eradication fund provided in this chapter shall become available as a substitute for either or both such funds for the payment of materials, indemnities, inspectors, and assistants as herein provided.

2691. **Notice of exhaustion of state allotment.** As soon as the allotment to the county has been spent or contracted the department shall certify such fact to the county auditor, which certificate shall be full authority for the board of supervisors to pay claims as presented to the board by the department of agriculture out of the county eradication fund.

2692. **Notice of exhaustion of county fund.** Whenever the balance in such fund becomes less than twenty-five hundred dollars the county auditor shall notify the department in writing of such fact and no expense shall be incurred on such account in excess of the cash available in such fund.

2693. **Certification of claims.** All claims presented under the third preceding section shall be certified by the department and filed with the county auditor who shall present them to the board of supervisors and such board shall allow and pay the same as other claims against the county.

2694. **Accredited counties.** (Repealed by the 43d G. A.)

2695. **Hearing and enrollment.** (Repealed by the 43d G. A.)

2696. **Certification of number of owners in county.** (Repealed by the 43d G. A.)

2697. **Establishment by vote of people.** (Repealed by the 43d G. A.)

2698. **Sufficiency of vote—enrollment.** (Repealed by the 43d G. A.)

2699. **Notice and effect of enrollment.** (Repealed by the 43d G. A. and the following substituted.)

Duty to test. After the effective date of this act every owner of dairy or breeding cattle in the state shall permit his cattle to be tested for tuberculosis as provided in Chapter 129, as amended, and shall confine his cattle in a proper place so that the examination and test can be applied. If he refuses to so confine his cattle the department may employ sufficient help to properly confine them and the expense of such help shall be paid by the owner or deducted from the indemnity if any is paid. Such owner shall comply with all the requirements for the establishment and maintenance of a tuberculosis-free accredited herd.

2700. **Penalty.** (Repealed by the the 43d G. A. and the following substituted.)

Penalty for obstructing test. After the effective date of this act any owner of dairy or breeding cattle in the state who prevents, hinders, obstructs or refuses to allow a veterinarian authorized by the department of agriculture to conduct such tests for tuberculosis on his cattle, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) nor less than twenty-five dollars (\$25.00).

2701. **Quarantine.** (Repealed by the 43d G. A. and the following substituted.)

Quarantine. The cattle owned by any owner who violates the provisions of Chapter 129 of the Code of Iowa, 1927, as amended, or which have reacted to the tuberculin test, shall be quarantined by the department until the law is complied with. When such quarantine is established no beef or dairy products shall be sold from cattle under quarantine until the test has been applied or the quarantine released.

The accredited veterinarians appointed under this chapter shall enforce this quarantine and all of the rules of the department of agriculture of the State of Iowa and of the provisions of Chapter 129 of the Code of Iowa, 1927, as amended, and in so doing may call to their assistance any peace officer of the state.

2702. **Notice.** (Repealed by the 43d G. A. and the following substituted.)

Notice of prosecution. Before any action is commenced under the second preceding section, upon request of the secretary of agriculture, the Board of Supervisors of any county shall cause such owner to be served with a written notice of the provisions of this chapter, at least fifteen days before the commencement of the action.

2703. **Allotment of funds to counties.** (Repealed by the 43d G. A. and the following substituted.)

Allotment of funds to counties. The department shall allot, on or before November first of each year, among the counties of the

state in proportion to the number of breeding cattle owned in each county as shown by the last assessor's books, the amount of the state funds estimated to be available for the testing of cattle for tuberculosis. The department shall also attempt to secure a similar allotment each year of the available federal funds by the federal department of agriculture.

2704. Transfer of funds. The amount of state funds allotted to each county shall be expended therein, but the department, whenever such moneys are not needed in any county, may transfer the same to any other county.

2704-b 1. Retest — tuberculin test ordered. (Repealed by the 43d G. A. and the following substituted.)

Retest: modified accredited area. The secretary of agriculture may order a retest of any dairy or breeding cattle at any time when, in his opinion it is necessary to do so, and shall, once in three years, order the tuberculin testing of any cattle to conform to and comply with the regulations of the federal bureau of animal industry in any county where the percentage of bovine tuberculosis has been reduced to one-half of one per cent or less, subject to the provisions of this chapter with reference to the disposition or slaughtering of animals found to be reactors when given a tuberculin test. Such county shall be a modified accredited county, and it shall be unlawful for any person to transport any dairy or breeding cattle into such county unless they have been examined for tuberculosis as provided in this chapter.

Penalty. (43d G. A.) Any person found guilty of violating the provisions of the preceding section shall be deemed guilty of a misdemeanor and punished by a fine of not to exceed one hundred dollars nor less than twenty-five dollars.

2704-b 2. Funds—duty to levy tax and 2704-b 3. Township animal board of health. (Repealed by the 43d G. A. and the following substituted.)

Use of funds: township health board. The board of supervisors shall use whatever tuberculosis eradication funds may be on hand in said county, and shall levy the tax provided in this act, each year for the purpose of paying the expenses of such testing and the indemnities provided for herein if the state and federal funds are not sufficient to pay the cost thereof and the indemnities for such animals. The township trustees in such county are hereby constituted the animal board of health in their respective townships and they shall by April first of each year and at such other times as they shall deem advisable, make a survey and report to the state department of agriculture all breeding cattle brought into their respective townships from outside of the county.