



**Animal  
Services**

# **Proposed Ordinance Amendments Chapter 6 Animal Care and Control**

City Council

July 18, 2022

Lisa Duello, Neighborhood Services Director



# State Law Summary



- Senate Bill 5 - the Safe Outdoor Dogs Act to protect unattended dogs restrained outdoors - January 2022
- How Senate Bill 5 protects dogs and improves public safety:
  1. Defines adequate shelter to protect dogs from exposure to extreme temperature, standing water and ensures the dog can stand, turn around and lie down.
  2. Requires access to drinkable water
  3. Prohibits the use of chain restraints which cause pain and injuries.
  4. Strikes the 24- hour waiting period so animal services and law enforcement can take immediate action for dogs in distress.



**Proposed amendments to Chapter 6 - update to current State Law**

# New Definitions- Same At State Law



- **Adequate Shelter** shall mean a sturdy structure that (i) provides the dog protection from inclement weather and with dimensions (ii) all allows the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position, (iii) allows the dog to avoid standing water, and (iv) allows the dog to avoid exposure to excessive waste, feces, or excrement, and (v) provides shade to direct sunlight
- **Harness** means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control an animal.
- **Cruel treatment** shall mean any treatment to any animal in violation of the Texas Penal Code. (Current COB language)
- **Cruelly treated** includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, caused to fight with another animal, or subjected to conduct prohibited by Texas Penal Code, Section 21.09
- **Adverse weather conditions** includes, rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.
- Properly fitted shall mean, with respect to a collar, a collar that measures the circumference of the animal's neck plus at least one inch. (Current COB language)
- **Properly fitted** means, with respect to a collar or harness, a collar or harness that is appropriately sized for the animal based the measurements and body weight of the animal and does not choke the animal or impede the animal's normal breathing or swallowing and does not cause pain or injury to an animal.





# Proposed Amendments



(f) *Tying dogs and other animals.* A person commits an offense if the person ties or tethers a dog or other animal in an unenclosed front or back yard, or by a fixed point, chain, or tether so as to create, as determined by the animal control authority, an unhealthy situation for the animal or a potentially dangerous situation for a person or another animal. A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitted collar, not wrap a chain or tether directly around the animal's neck.

(1) An owner may not leave an animal outside and unattended by use of a restraint that unreasonably limits the animal's movement:

- a. Between the hours of 10:00 p.m. and 6:00 a.m.;
- b. Within 500 feet of the premises of a school; or
- c. In the case of extreme weather conditions, including conditions in which:
  1. The actual or effective outdoor temperature is below 32 degrees Fahrenheit;
  2. A heat advisory has been issued by a local or state authority or jurisdiction;
  3. A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

or



# Striking (f) (2) Using State law



~~(f) (2) An Owner may not restrain a dog outside and unattended by use of a restraint that:~~

~~a. Uses a collar that is pinch type, prong type, or choke type or that is not properly fitted to the animal;~~

~~b. Is a length shorter than the greater of:~~

~~—— 1. Five times the length of the animal, as measured ——  
—— from tip of the animal's nose to the base of its tail;~~

~~or~~

~~—— 2. Ten feet. ——~~

~~c. Is in an unsafe condition; or~~

~~d. Causes injury to the animal ——~~



# State law



**Sec. 821.102 (b)** An Owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;.
- (3) is shorter in length than the greater of:
  - (A) five times the length of the animal, as measured from the tip of the dog's nose to the base of the dog's tail; or
  - (B) 10 feet; or
- (4) is attached to a collar or harness not properly fitted





# Striking Section (f) (3) using State Law



(f) (3) *Exceptions.* Subsections (2)b.1. and (2)b.2. above do not apply to:

a. — An animal restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

b. — An animal restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

c. — An animal restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the animal to be restrained;

d. — An animal restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the state if the activity for which the license is issued is associated with the use or presence of the animal;

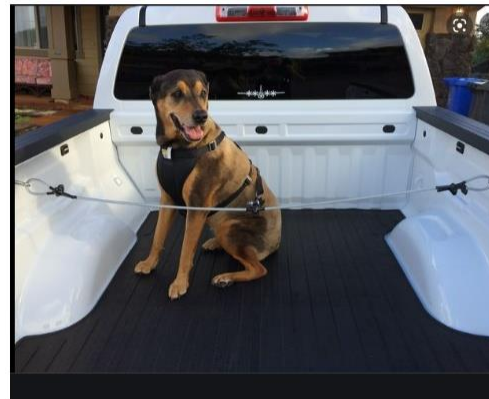
e. — An animal restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

f. — An animal restrained while the owner is engaged in conduct directly relating to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the animal.



**Sec. 812. 103. Exceptions. (a) Sections 821. 102 does not apply to:**

- (1) the use of a restraint on a dog in a public a-camping or recreation area in compliance with the requirements of the public camping or recreational area as defined by federal, state or local authority or jurisdiction;
- (2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by the state provided the activity is associated with the use or presence of a dog;
- (3) the use of a restraint on a dog while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock;
- (4) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
- (5) a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete temporary task that requires the dog to be left unattended in the truck bed;
- (6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer that the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or
- (7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field training.





# Renumbering (f) 4, (f) (5) and (f) (6)



(2) ~~(4)~~ A restrained animal must have access to water and shelter from the elements, have a restraint that does not become entangled, and stay within the owner's property.

(3) ~~(5)~~ Penalty.

a. A peace officer or animal control officer who has probable cause to believe that an owner is violating this section shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

b. A person commits an offense if the person is provided a statement as described in subsection and fails to comply with this section within 24 hours of the time the owner is provided the statement. An offense under this section is a class C misdemeanor.

c. A person commits an offense if the person violates this section and has previously been convicted of an offense under this section. An offense under this subsection is a class B misdemeanor as provided in V.T.C.A., Health and Safety Code § 821.079.

d. If a person fails to comply with this subsection with respect to more than one animal, the person's conduct with respect to each animal constitutes a separate offense.

e. If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.



(4) ~~(6)~~ *Hand-held leashes.* This section does not prohibit a person from walking an animal with a hand-held leash.

# Prior input



Animal Shelter Advisory  
Committee met on March 1, 2022  
and support the proposed  
changes.



Questions/Comments/







# OPTIONS



Approve Ordinance as presented



Deny the ordinance



Approve the ordinance with modifications