



**Animal  
Services**

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



Animal Shelter Advisory Committee  
August 1, 2022  
Lisa Duello, Neighborhood Services Director

# Subject

City Council approved of an ordinance amending Section 6-1 (Definitions) and 6-9 (Care and Humane Treatment of Animals) of Chapter 6, (Animal Care and Control) of the Burleson Code of Ordinances by adding definitions for Adequate shelter, Harness, Cruelly treated, Adverse weather conditions, and Properly fitted, and by modifying the manner and location a dog or other animal may be tied or tethered; making this ordinance cumulative of prior ordinances; providing a severability clause; providing for the violation of this ordinance; providing a penalty clause; and providing for an effective date. (Final Reading) (Staff Contact: Lisa Duello, Neighborhood Services Director)



# Prior input

1. City Council approved the final reading of the proposed Ordinance by unanimous vote at the August 1, 2022 City Council meeting
2. City Council approved the first reading of the proposed Ordinance by unanimous vote at the July 18, 2022 City Council meeting
3. Animal Shelter Advisory Committee met on March 1, 2022 and supports the proposed changes.



# 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*
- *Harness*
- *Cruelly treated*
- *Adverse weather conditions*
- *Properly fitted*



# Proposed Amendments



## The proposed amendments will remove all references to the use of chains.

(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.



# State law language incorporated proposed amendments

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

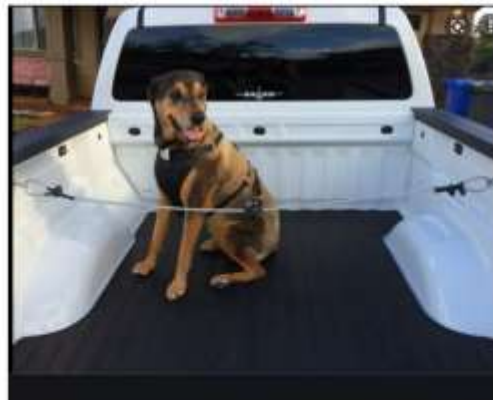
- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:
  - (A) five times the length of the animal, as measured from the tip of the dog's nose to the base of the dog's tail; or
  - (B) 10 feet; or
- (4) is attached to a collar or harness not properly fitted





**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.





Questions/Comments/

