

# Report to the Mayor/Council

From: The Ordinance Review Committee

November 7, 2023

Subject: The Use of Electronic or Electric Fences for Pet Control

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In analyzing the use of Electronic or Electric fences in Woodcreek, the topic was broken down into these areas of question:

1. What is the Definition of Electronic or Electric fences?
2. What type of Control over your Pet do these types assert?
3. How do Woodcreek's ordinances address these fences?
4. How do other Municipalities address them?
5. What does State and County law say about them?
6. How do the Humane Societies or Veterinaries feel about them?

## What is the Definition of Electronic or Electric fences?

An **electronic fence**, otherwise known as a **pet fence** or **fenceless or Invisible boundary** is an electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier. A mild electric shock is delivered by an electronic collar if its warning sound as it approaches the boundary is ignored.

An **electric fence** is a physical barrier that uses a continuous flow of an electric current to deter animals and people from crossing a boundary. For the purposes of this report, further discussion of electric fences will be avoided as State Law prohibits their use for residential property.<sup>1</sup>

## What type of Control over your Pet does this type of fence assert?

The Electronic fence is a system designed to startle, not hurt the animal. When the pet approaches the set barrier, an audible alarm sounds from a collar around its neck. If he fails to stop, a mild electric shock is sent. This type of fence is only effective when used alongside proper, compassionate, and professional training. Their effectiveness can be problematic for the following reasons:

- a) Dogs put up with the shock when the "reward" is great enough. If a dog is highly motivated to leave the property, it will withstand the shock.
- b) The system can malfunction due to electrical outages. The collar runs on batteries so one must be meticulous in checking this.
- c) The prongs on the collar can injure the skin. The prongs need to be close to the skin to deliver the shock therefore they can irritate the skin if used often.
- d) These fences do not prevent others (people nor animals) from coming in. If your dog is aggressive, you will need to warn others such as delivery persons through clearly seen signs.

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<sup>1</sup> Texas Local Government Code, Chapter 250, Miscellaneous Regulatory Authority

- e) Electric shocks can induce fear, anxiety, and aggression. While the shock delivered to the dog is supposed to link approaching the barrier as the reason for the shock, the dog may associate it with something else, such as a person walking by.<sup>2</sup>

#### How do Woodcreek’s ordinances address this type of fence?

Woodcreek’s ordinances are silent on this type of fence.

#### How do other Municipalities address them?

Some municipalities forbid the use of electronic fences; however *due process* requires that a prohibition must be stated clearly or else is unenforceable. Therefore, a lengthy description of exactly what type of fence is required to actually forbid them.

#### What does State and County law say about them?

State Law does not prohibit electronic fences. However, County law, to which Woodcreek would be subject, states, ” *The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint;*”<sup>3</sup>

#### How do the Humane Societies or Veterinaries feel about them?

Local veterinary offices do support the use of an invisible fence if the dog is properly and professionally trained. However, they state that even with training they do not work 10% of the time. Also, the breed of the dog is a big factor in their success and whether they should be used.<sup>4</sup>

The Humane Society and Rescue Organizations will not allow adoption of a dog if the only means of control is an invisible fence.

#### Conclusion

Woodcreek’s Pet Ordinance which was revised by this Committee previously defines an animal running at large as: *Running at Large*. Not under the direct physical control of the owner or handler by leash, cord, chain, or similar direct physical control and not being kept physically restrained from leaving the premises of the owner.<sup>5</sup>

This would place us in alignment with County regulations, which means that should the pet leave a resident’s property, the use of an electronic fence would not be a defense as it does not constitute control.

We do not see where a direct change to our Ordinances is required, but it may be wise for staff to be aware that the use of invisible fences does not constitute control of the dog/pet and that steps should be taken to assure that the animal stays on the property.

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<sup>2</sup> “Why Invisible Fences Don’t Work” by Jennifer Coates, DVM

<sup>3</sup> Sixth Amended Hays County Animal Control Ordinance NO. 32190

<sup>4</sup> Wimberley Veterinary Clinic, Cypress Creek Clinic

<sup>5</sup> Chapter 90.01 - Definitions

Further, it is advised that anyone using an Invisible Fence should post signage making it clear that the pet is roaming at large on the property. This should be done to warn others that the pet is not under direct control.