



**Animal Shelter Advisory Committee
6/17/2021**

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on June 17, 2021 at 12:00 PM at City Hall – East Mezzanine, 72 W. College Ave., San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Public Comment

Issues or items that are not on the agenda may be raised by the public at this time. Citizens should speak from the podium, begin by stating their name and limit remarks to less than three minutes. Committee members may request that a discussed item be placed on a future agenda. The Committee takes public comment on all Regular Agenda items during the discussion of those items.

3. Consent Agenda

- a. Consider approving the April 15, 2021 Animal Shelter Advisory Committee regular meeting minutes

4. Regular Agenda

- a. Discussion and possible action related to monthly shelter numbers for April 2021
- b. Discussion and possible action related to monthly shelter numbers for May 2021
- c. Update on City Council Discussion on Chapter 3 Animal Control, Article 3.10 Free-Roaming Community Cats of the City's Code of Ordinances
- d. Update on estray livestock practices

5. Follow Up and Administrative Issues

6. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas,

Morgan Chegwiddden, Assistant Director
Neighborhood & Family Services

All agenda items are subject to action. The Animal Shelter Advisory Committee reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the Assistant Director Neighborhood & Family Services at 325-657-4225.



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 17, 2021

Item type: Consent Item

Caption:

Consider approving the April 15, 2021 Animal Shelter Advisory Committee regular meeting minutes

Summary/History:

Attached are the draft minutes for the committee's consideration.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1.	3a 210415 ASAC Minutes	3a 210415 ASAC Minutes.docx
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Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval



**City of San Angelo, Texas
Animal Shelter Advisory Committee Minutes
April 15, 2021**

Present:

Caitlin Wylie, SMD1
Jen Murphy, SMD2
Sandra Villarreal, SMD3
Ryan Smith, SMD4
Bambi Aker, SMD5
Morgan Chegwidden, SMD6

1. Call to Order/Roll Call to Establish Quorum

With a quorum of the committee members present, Chairperson Ryan Smith called the regular meeting Animal Shelter Advisory Committee to order at 12:04 p.m. on April 15, 2021 via Zoom livestreamed to the City's YouTube channel at [youtube.com/CityofSanAngelo](https://www.youtube.com/CityofSanAngelo).

2. Special Instructions

Chairperson Smith read special instructions for the virtual meeting.

3. Public Comment

No public comment was submitted.

4. Consent Agenda

- a. Consider approving the January 21, 2021 Animal Shelter Advisory Committee regular meeting minutes.

MOTION: Committee member Wylie moved for approval of the consent agenda, seconded by Committee member Villarreal. The motion carried unanimously six (6) ayes to zero (0) nays.

5. Regular Agenda

- a. Consider election of a chairperson and a vice-chairperson to terms ending January 2022.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden.

MOTION: Chairperson Smith self-nominated for chairperson and nominated Councilmember Wylie for vice-chairperson, seconded by Committee member Wylie. The motion carried unanimously six (6) ayes to zero (0) nays.

- b. Discussion and possible action related to monthly shelter numbers for January 2022.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden. No action was taken on this item.

c. Discussion and possible action related to monthly shelter numbers for February 2022.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden. No action was taken on this item.

d. Discussion and possible action related to monthly shelter numbers for March 2022.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden. No action was taken on this item.

e. Consider approval of a policy limiting community cat intake.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden.

MOTION: Chairperson Smith moved to table approval for a future meeting date, seconded by Committee member Wylie. The motion carried unanimously six (6) ayes to zero (0) nays.

6. Follow Up and Administrative Issues

Committee member Chegwidden announced parvovirus outbreak in the community and urged citizens to vaccinate their young dogs.

7. Adjournment

MOTION: Committee member Wylie moved for adjournment, seconded by committee member Chegwidden. The motion carried unanimously six (6) ayes to zero (0) nays. The meeting was adjourned at 12:35 p.m.



Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 17, 2021

Item type: Regular Item

Caption:

Discussion and possible action related to monthly shelter numbers for April 2021

Summary/History:

413 new animals arrived in the shelter during April. 92 were adopted, 109 were rescue transferred, 152 were redeemed by their owner, 25 were deceased and 310 were left in the shelter at month end.

Our live release rate was 93.39%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

- | | | |
|----|---------------------------------------|--|
| 1. | 4a 210617 ASAC April REVISED TEMPLATE | 4a 210617 ASAC April REVISED TEMPLATE.pptx |
|----|---------------------------------------|--|

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval



Animal Shelter Advisory Committee

June 17, 2021

April 2021 Shelter Numbers

Morgan Chegwidden

April 2021

- 413 new arrivals
- 92 adopted
- 109 transferred
- 152 redeemed by owner
- 25 deceased
- 310 left in shelter
- 93.39% released

April 2021

- 25 Deceased
 - 13 Cats
 - 6 Dogs
 - 6 Other

April 2021

- 25 Deceased
 - 20 Sick, injured, failure to thrive
 - 5 Aggressive, bite quarantine

April 2021

- Outcomes by Type
 - 21% Adoptions
 - 41% Return to owner
 - 31% Transfers
 - 7% Deceased

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info@cosatx.us





Requestor: Morgan Chegwiddden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 17, 2021

Item type: Regular Item

Caption:

Discussion and possible action related to monthly shelter numbers for May 2021

Summary/History:

410 new animals arrived in the shelter during May. 64 were adopted, 81 were rescue transferred, 146 were redeemed by their owner, 42 died and 397 were left in the shelter at month end.

Our live release rate was 87.39%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

- | | | |
|----|-------------------------------------|--|
| 1. | 4b 210617 ASAC May REVISED TEMPLATE | 4b 210617 ASAC May REVISED TEMPLATE.pptx |
|----|-------------------------------------|--|

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwiddden
Theresa James

Created/Initiated
Final Approval



Animal Shelter Advisory Committee

June 17, 2021

May 2021 Shelter Numbers

Morgan Chegwidden

May 2021

- 410 new arrivals
- 64 adopted
- 81 transferred
- 146 redeemed by owner
- 42 deceased
- 397 left in shelter
- 87.39% released

May 2021

- 42 Deceased
 - 34 Cats
 - 5 Dogs
 - 3 Other

May 2021

- 42 Deceased
 - 39 Sick, injured, failure to thrive
 - 3 Aggressive, bite quarantine

May 2021

- Outcomes by Type
 - 21% Adoptions
 - 42% Return to owner
 - 30% Transfers
 - 8% Deceased

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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwiddden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 17, 2021

Item type: Regular Item

Caption:

Update on City Council Discussion on Chapter 3 Animal Control, Article 3.10 Free-Roaming Community Cats of the City's Code of Ordinances

Summary/History:

Animal services intakes owned and community cats as follows.

- San Angelo residents may bring in trapped/secured cats at no charge.
- Animal Services picks up trapped/secured cats for a \$25.00 fee.
- Citizens who have cared for the cats more than three days may participate in rehoming services as outlined in our contract with Concho Valley PAWS.

2020 cat intake exceeded 1,600 animals.

Article 3.10 of the code of ordinances regulates the handling of community cats in San Angelo. This document was largely developed by private special interest groups and was approved by Council February 17, 2015.

The free-roaming community cat ordinance requires the creation of a sponsoring organization (a local non-profit) and mandates that colony caretakers register with this organization. The ordinance also outlines responsibilities of 1. sponsoring organizations, 2. caretakers and 3. animal services.

1. Sponsoring organizations are required to provide information to cat handlers, notify caregivers of impounded ear-notched cats and coordinate spay/neuter and complaints.
2. Community cat caregivers are required to use humane trapping techniques, assess health of cats, spay/neuter, rabies vaccinate, ear tip, feed farther than 150 feet from schools, keep away from wildlife areas, report bites, obtain written authorization from private property owners and seek medical attention when necessary.
3. Animal Services is required to refer callers to a sponsoring organization and scan cats for microchip. Referring citizens became difficult as certain sponsoring organizations issued a cease and desist letter in October 2019 prohibiting animal services staff from referring citizens.

The ordinance also allows animal services to develop policies with the animal shelter advisory committee (ASAC).

- Pre-2018, any community cats that were not ear notched were euthanized as unadoptable. Ear notched cats were released to sponsoring organizations for return to colony.
- In 2018, ASAC approved a shelter-neuter-return program to spay/neuter and vaccinate all impounded community cats. Several hundred cats participated in this program until funding was fully expended October

2020. This is the recommended practice to reduce the cat population. Simply euthanizing cats creates a vacuum effect further exacerbating overpopulation. Returning spayed/neutered cats to the area of origin stabilizes the population and prevents new cats from coming in.

- In October 2020, ASAC approved the return-to-field of unaltered cats as no funding was available to continue the shelter-neuter-return program. This was approved as the previous policy of euthanizing healthy community cats was no longer conducive to the No Kill initiative. This practice occurred for a few months until our rescue partner Concho Valley PAWS collected resources to pull all of our community cats for spay/neuter and return. That is our current protocol for live releasing community cats.

The final section of the community cat ordinance provides guidelines for nuisance community cats. Free roaming community cats repeatedly trapped on private property or otherwise causing a nuisance should be reported to the sponsoring organization. Private property owners may trap cats and impound them at animal services. Colony caretakers have 30 days to resolve the nuisance issue.

This ordinance was adopted in the infancy of the No Kill San Angelo initiative. Since then, we've invested in our cat programming to increase the number of animals released alive. Although the percentage of overall animals released alive increased from 27% in FY15 to 82% in FY20, felines saved lag behind with 9% in FY15 and 66% in FY20. Continued investment is still needed to appropriately address feline issues in San Angelo.

Financial Impact:

\$5,000.00 is recommended for a special program to spay/neuter community cats who are at risk of being deemed a nuisance.

Other Information/Recommendation:

Staff proposes allocation of \$5,000.00 for the spay, neuter and vaccination of community cats approaching the nuisance process. Aiding colony caretakers in controlling their population by spaying/neutering their cats will reduce the population of cats in San Angelo and reduce complaints of nuisance community cats.

Attachments:

1.ARTICLE_3.10___FREE_ROAMING_COMMUNITY_CATS	ARTICLE_3.10___FREE_ROAMING_COMMUNITY_CATS.pdf
2.210615 Alley Cat Allies VacuumEffect_TruthCard	210615 Alley Cat Allies VacuumEffect_TruthCard.pdf
3.4c 210617 Community Cats	4c 210617 Community Cats.pptx

Presentation:

Morgan Chegwidden

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval

ARTICLE 3.10 FREE-ROAMING COMMUNITY CATS

Sec. 3.10.001 Trap-neuter-return-maintain program

- (a) Organizations or individuals that engage in trap-neuter-return-maintain are required to register through a sponsoring organization. Organizations performing or supporting trap-neuter-return-maintain in the city shall identify and nominate a free-roaming community cat sponsoring organization, which may be approved and recognized by the animal shelter advisory committee.
- (b) Responsibilities of a free-roaming community cat sponsoring organization:
 - (1) A free-roaming community cat sponsoring organization shall make available to the public information about trap-neuter-return-maintain and free-roaming community cats;
 - (2) A free-roaming community cat sponsoring organization shall notify the appropriate free-roaming community cat caregiver when notified by the animal services division about an impounded ear-tipped cat;
 - (3) A free-roaming community cat sponsoring organization shall provide a point of contact to the animal services division for the coordination of trap-neuter-return-maintain, calls about at large cats, and calls about complaints related to free-roaming community cats;
 - (4) A free-roaming community cat sponsoring organization shall encourage free-roaming community cat caregivers to vaccinate free-roaming community cats for FVRCP;
 - (5) A free-roaming community cat sponsoring organization shall encourage free-roaming community cat caregivers to provide microchip implants for free-roaming community cats.
- (c) Responsibilities of a free-roaming community cat caregiver:
 - (1) Free-roaming community cats must be trapped using humane trapping techniques;
 - (2) Free-roaming community cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery;
 - (3) Free-roaming community cats must be spayed or neutered;
 - (4) Free-roaming community cats must be vaccinated for rabies;
 - (5) Free-roaming community cats must be ear tipped;
 - (6) Free-roaming community cats must be fed at least 150 feet away from primary and secondary schools and daycare facilities;
 - (7) Free-roaming community cats must be kept away from and may not be fed in designated wildlife areas;
 - (8) Free-roaming community cat bites must be reported to the animal services division as required by state law;
 - (9) Free-roaming community cat caregivers must obtain written authorization from appropriate property owners to be on private property to provide free-roaming community cat colony care; and
 - (10) Free-roaming community cat caregivers must obtain proper medical attention required for any free-roaming community cat.

(d) Responsibilities of animal services division:

- (1) Persons that contact the animal services division about stray or free-roaming community cats shall be provided information about trap-neuter-return-maintain and referred to an appropriate free-roaming community cat sponsoring organization;
- (2) Animal services division shall scan all impounded cats for a microchip;
- (3) The animal services division, along with the animal shelter advisory committee and free-roaming community cat sponsoring organizations, may develop policies and procedures for humane trapping and disposition of free-roaming community cats for the purpose of eliminating a public health or safety threat, a nuisance, or for the welfare of the animal.

(Ordinance adopted 2-17-15)

Sec. 3.10.002 Nuisance

- (a) A free-roaming community cat causing a nuisance may be impounded and handled consistent with the protocol for a domestic cat which is creating a nuisance or returned to the free-roaming community cat caretaker for identification of alternative solutions. A free-roaming community cat shall not be returned to the location from which it has been twice removed as a nuisance. Free-roaming community cats repeatedly trapped on private property or that otherwise continue to cause a nuisance will be reported to the appropriate free-roaming community cat sponsoring organization.
- (b) A property owner may humanely abate a nuisance caused by a free-roaming community cat on the owner's private property.
- (c) The creation of free-roaming community cat colonies does not diminish the right of individual private property owners to trap and have animal services division remove stray animals from their property in accordance with established procedures of the animal services division.
- (d) The free-roaming community cat caretaker of a free-roaming community cat repeatedly reported as a nuisance will be provided 30 days to resolve the issue. In the event the free-roaming community cat caretaker is unable to resolve the problem, the animal shelter director, along with the appropriate free-roaming community cat sponsoring organization, will discuss the disposition of the free-roaming community cat.

(Ordinance adopted 2-17-15)

Sec. 3.10.003 Liability

Nothing in this article shall be construed as an assumption of liability by the city for any injuries (including death) to persons, pets, or property, or any other claim which may result from the maintenance of a free-roaming community cat colony pursuant to this article.

(Ordinance adopted 2-17-15)



Alley Cat Allies®
The cats' leading advocate

JUST THE FACTS: The Vacuum Effect

Removing cats from an area creates a vacuum.

The **Vacuum Effect** has been documented worldwide in many species. Animal control's traditional approach has been to catch and kill community cats. While this may temporarily reduce the number of community cats in a given area, it is ultimately counterproductive, as the population of cats rebounds. Due to the Vacuum Effect, untrapped cats continue to breed, and other cats move into the newly available territory.

THE VACUUM EFFECT



Intact cat
living inside
the territory

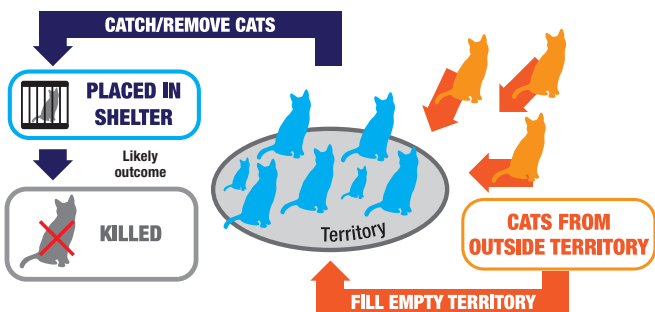


Intact cat
from outside
the territory



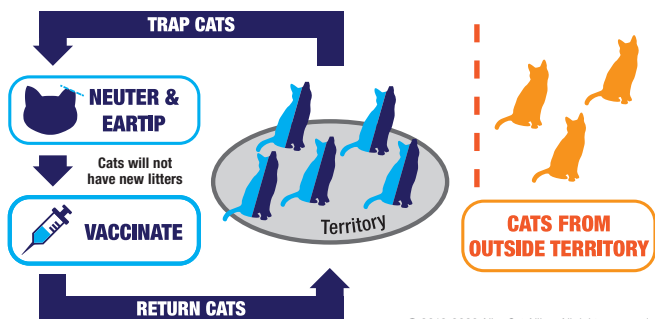
Neutered
cat living in
the territory

CATCH AND KILL – INEFFECTIVE



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TRAP-NEUTER-RETURN – EFFECTIVE



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Community cats are unowned cats who live outdoors.

Community cats, also called feral or outdoor cats, are not a new phenomenon. They choose to reside in an outdoor location where they have access to food and shelter. Even though community cats are the same species as house cats (*Felis catus*), they have not been socialized to people and are therefore unadoptable. Community cats can lead full, healthy lives in their outdoor homes.

Time and again, communities find catch and kill doesn't work—it needs to stop.

Municipal animal control agencies have been catching and killing cats for decades in a misguided attempt to reduce the number of community cats in a given area. Catch and kill is counterproductive, as it has no permanent impact on the population of outdoor cats. This endless, cruel cycle is not supported by the public, wastes tax dollars, and fails to meet the needs of the cats and the community. The Vacuum Effect is just one reason catch and kill is so ineffective.

Trap-Neuter-Return (TNR) does work.

Communities are desperate for humane solutions. TNR is the only effective and humane approach to address community cat populations. It involves humanely trapping, spaying or neutering, vaccinating, and returning community cats to their outdoor homes. Afterward, there are no more litters of kittens—the population is stabilized. TNR stops the stress associated with pregnancy and mating behaviors, such as yowling or fighting. Not only is TNR the effective, humane approach for outdoor cats, but it improves their lives.

You can make a difference and save lives.

Together, we can fight the ineffective catch and kill approach, support TNR, and ensure local policies address the needs of outdoor cats and our communities.

Learn more at [**alleycat.org/VacuumEffect**](https://alleycat.org/VacuumEffect).

**Join our movement
to protect cats.**



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Animal Shelter Advisory Committee

June 17, 2021

Community Cat Ordinance

Morgan Chegwidden

Community Cat Ordinance

- Cat Intake
 - San Angelo residents
 - Bring in for no charge
 - Picked up for fee
 - Rehome through support services
 - 1,600 animals in 2020

Community Cat Ordinance

- Sponsoring Organization
 - Provide information
 - Notify caretakers of impounded cats
 - Coordinate spay/neuter
 - Coordinate calls and complaints

Community Cat Ordinance

- Colony Caregivers
 - Spay/neuter and vaccinate
 - Feed farther than 150' from schools
 - Obtain permission from private property owners
 - Seek medical attention when necessary

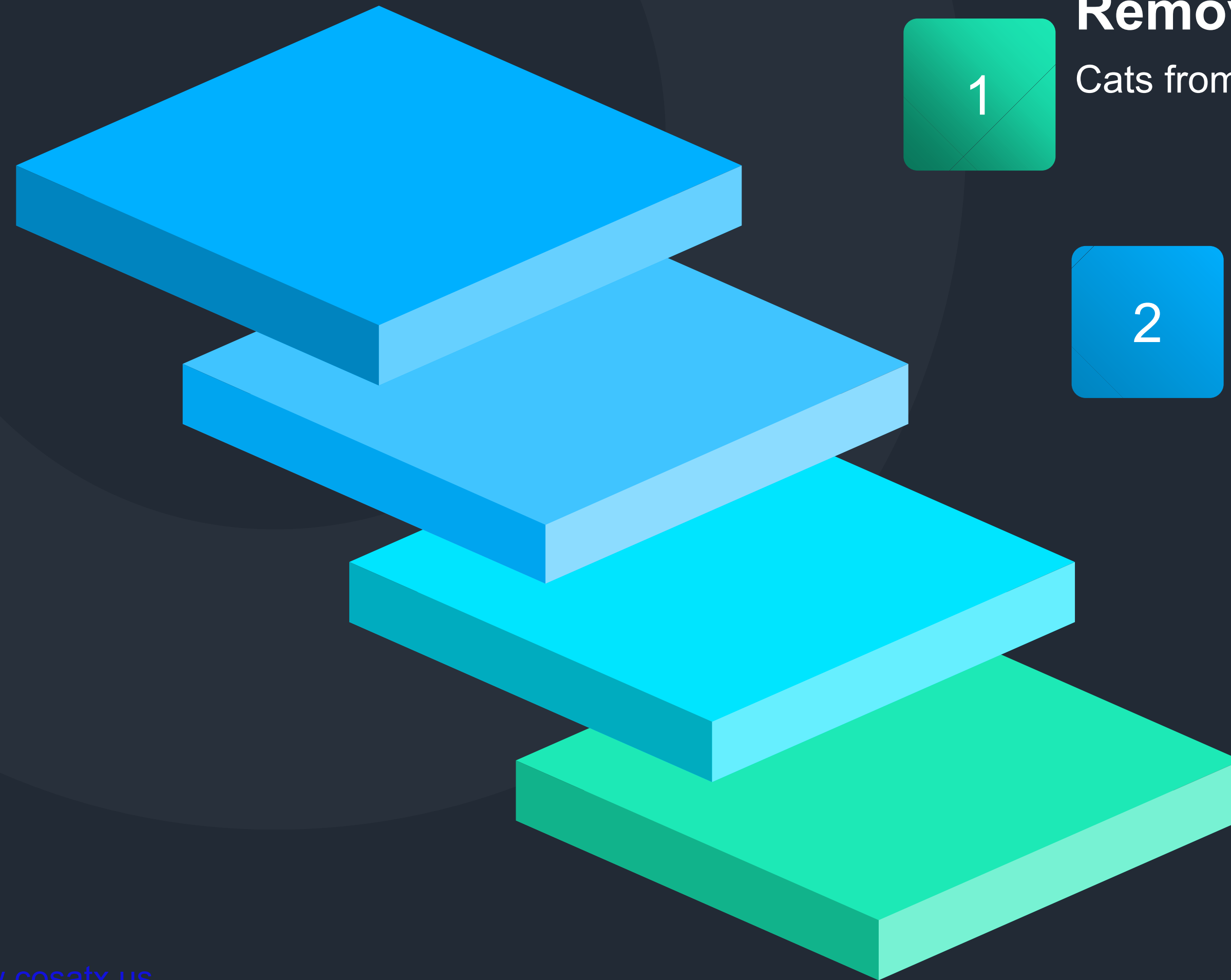
Community Cat Ordinance

- Animal Services
 - Scan cats for microchip
 - Refer citizens to sponsoring organization

Community Cat Ordinance

- Animal Shelter Advisory Committee
 - Pre-2018 community cats euthanized unless ear notched
 - 2018 launched shelter-neuter-return
 - Prevents vacuum effect
 - 2020 return-to-field unaltered
 - Short-lived, Concho Valley PAWS currently pulling all community cats

Community Cat Ordinance



1

Removing cats from an area creates a vacuum

Cats from outside move in, fill empty territory

2

Decades of catch and kill doesn't work

Counterproductive, population rebounds

3

Trap-Neuter-Return is effective

No more litters, population stabilizes

4

TNR stops stress and nuisance

Reduces mating behaviors, yowling, fighting

Community Cat Ordinance

- Nuisance
 - Repeatedly trapped on private property
 - Otherwise causing nuisance
 - Should report to sponsoring organization
 - Colony caregivers resolve within 30 days

Community Cat Ordinance

- Adopted in infancy of No Kill San Angelo
- Invested heavily in cat programming
- Increased live release rate
- Felines saved lag behind total
- Continued investment needed

Culture Shift

Changing the way we think about cats to become no kill

2015 27% Total LRR

9% Felines Saved

2020 82% Total LRR

66% Felines Saved

Staff recommendation

Staff's recommendation is for a special program for community cats at risk of being deemed a nuisance:

1. Allocate \$5,000 for spay/neuter and vaccinate community cats aiding colony caregivers in controlling their population.
2. Report performance back to Council in several months.

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info@cosatx.us





Requestor: Morgan Chegwidden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 17, 2021

Item type: Regular Item

Caption:

Update on estray livestock practices

Summary/History:

Animal Services Officers respond to estray livestock calls for service inside city limits. Estray livestock are any hooved animals in the public right-of-way including horses, cattle, goats, sheep, llamas, etc. If an animal is not readily identified, livestock are impounded for 14 days. If an owner does not claim them, they are available for adoption for \$50.

Texas state agriculture code chapter 142 outlines a specific process for the response to estray livestock including notifications, impoundment, redemption and/or sale. For example, notices must be filed with the county clerk. This statute also mandates the activity shall be handled by the county sheriff or his designee.

City animal services is not staffed or budgeted for the required process. We are in discussions on how to proceed with our attorney and sheriff. Options include transitioning the response to the sheriff or contracting with the county to provide this service for a fee.

Financial Impact:

Other Information/Recommendation:

No action necessary at this time.

Attachments:

1. AGRICULTURE CODE CHAPTER 142

AGRICULTURE CODE CHAPTER 142.pdf

Presentation:

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval

AGRICULTURE CODE

TITLE 6. PRODUCTION, PROCESSING, AND SALE OF ANIMAL PRODUCTS

SUBTITLE B. LIVESTOCK

CHAPTER 142. ESTRAYS

Sec. 142.001. DEFINITIONS. In this chapter:

(1) "Estray" means stray livestock, stray exotic livestock, stray bison, or stray exotic fowl.

(2) "Perilous condition" means a circumstance or condition in which capture and impoundment of an estray presents an immediate threat to law enforcement personnel or to the health of the estray.

(3) "Person" does not include the government or a governmental agency or subdivision.

(4) "Exotic livestock" means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families but not including a mammal defined by Section 63.001, Parks and Wildlife Code, as a game animal, or by Section 71.001, Parks and Wildlife Code, as a fur-bearing animal, or any other indigenous mammal regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include a nonindigenous mammal located on publicly owned land.

(5) "Exotic fowl" means any avian species that is not indigenous to this state. The term includes ratites but does not include a bird defined by Section 64.001, Parks and Wildlife Code, as a game bird or any other indigenous bird regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include nonindigenous birds located on publicly owned land.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 203, Sec. 1, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 604, Sec. 5, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 15 (S.B. 174), Sec. 1, eff. May 10, 2013.

Sec. 142.002. RIGHTS OF OCCUPANT OTHER THAN OWNER. A person has the rights of an owner of property under this chapter if he is a part owner, a lessee, an occupant, or a caretaker of land or premises, but an owner and an occupant of the same property may not recover for the same damage.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Sec. 142.0021. OWNERSHIP OF EXOTIC WILDLIFE AND FOWL. A person may claim to be the owner of exotic livestock or exotic fowl under this chapter only if the animal is tagged, branded, banded, or marked in another conspicuous manner that can be read or identified from a long distance and that identifies the animal as being the property of the claimant.

Added by Acts 1993, 73rd Leg., ch. 203, Sec. 2, eff. Sept. 1, 1993.

Sec. 142.003. DISCOVERY OF ESTRAY; NOTICE. (a) If an estray, without being herded with other livestock, roams about the property of a person without that person's permission or roams about public property, the owner of the private property or the custodian of the public property, as applicable, shall, as soon as reasonably possible, report the presence of the estray to the sheriff of the county in which the estray is discovered.

(b) After receiving a report under Subsection (a) of this section that an estray has been discovered on private property, the sheriff or the sheriff's designee shall notify the owner, if known, that the estray's location has been reported.

(c) After receiving a report under Subsection (a) that an estray has been discovered on public property, the sheriff or the sheriff's designee shall notify the owner, if known, that the estray's location has been reported, except that if the sheriff or the sheriff's designee determines that the estray is dangerous to the public, the sheriff or the sheriff's designee may immediately impound the estray without notifying the owner.

(d) If the owner does not immediately remove the estray:

(1) the sheriff or the sheriff's designee may proceed with the impoundment process prescribed by Section 142.009; or

(2) if a perilous condition exists, the sheriff or the sheriff's designee may proceed with disposition of the estray under Section 142.015.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 15 (S.B. 174), Sec. 2, eff. May 10, 2013.

Sec. 142.004. REDEMPTION. (a) The owner of the estray may redeem the estray from the owner or occupant of public or private property if:

(1) the owner of the estray and the owner or occupant of the property agree to a redemption payment amount and the owner or occupant of the property receives the redemption payment from the owner of the estray; or

(2) a justice court having jurisdiction determines the redemption payment amount and gives the owner of the estray written authority to redeem the estray under Section 142.006.

(b) If the owner of the estray does not redeem the estray not later than the fifth day after the date of notification, the sheriff or the sheriff's designee shall proceed immediately with the impoundment process prescribed by Section 142.009 unless the sheriff or the sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Subsection (a). During the impoundment process period, the estray may not be used for any purpose by the owner or occupant of the property.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 1, eff. September 1, 2011.

Sec. 142.005. COLLECTION FEE. (a) If the sheriff or the sheriff's designee is present at the time of the collection of the estray, the sheriff or the sheriff's designee may require the owner of the estray to pay before the estray is removed a collection fee in an amount set by the sheriff not to exceed \$25.

(b) A person who disagrees with the amount of the fee set by the sheriff under Subsection (a) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Sec. 142.006. AMOUNT OF REDEMPTION PAYMENT. (a) The owner or occupant of property on which an estray is found, held, or impounded is entitled to receive from the owner of the estray the payment of a reasonable amount for maintenance and damages, if the original notice of

the discovery of the estray was given to the sheriff not later than the fifth day after the date of discovery.

(b) The owner or occupant of the property may accept payment in an agreed amount from the owner of the estray.

(b-1) If the owner of the estray and the owner or occupant of the property are unable to agree to a redemption payment, either party may file a petition under Section 142.007 in the justice court having jurisdiction and have the amount of the payment determined by the justice of the peace. The justice of the peace shall determine the redemption payment amount and give the owner of the estray written authority to redeem the estray on payment of that amount to the owner or occupant of the property.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 191, Sec. 7, eff. September 1, 2011.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 7, eff. September 1, 2011.

Sec. 142.007. JUSTICE COURT PETITION. A petition seeking a justice court determination of the amount of a redemption payment or the amount of a collection fee must contain the following information:

- (1) the name of the owner of the estray;
- (2) a description of the estray;
- (3) the number of days the estray was trespassing;
- (4) the name of the owner or occupant of the property;
- (5) the purpose for which the land on which the trespass occurred is used; and
- (6) a statement that the estray owner and the owner or occupant of the property are unable to agree on the amount of the payment.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 3, eff. September 1, 2011.

Sec. 142.008. APPEAL OF COURT AWARD. (a) If either the owner of the estray or the owner or occupant of the public or private property disagrees

with a justice's assessment of the payment amount under Section 142.005(b) or 142.006(b-1), the amount in question shall be finally determined according to the procedure prescribed by this section.

(b) The complainant begins the appeal by filing a petition that gives the information listed in Section 142.007 of this code.

(c) The justice of the peace shall appoint three disinterested persons familiar with livestock and agriculture who reside in the county as special commissioners to determine the amount owed, if any, to the owner of the property or the sheriff, taking into account the time of the notice of discovery given by the property owner.

(d) At the request of the special commissioners for their proceedings, the justice of the peace may compel the attendance of witnesses and the production of testimony, administer oaths, and punish for contempt. The commissioners' decision as to the amount of any payment is final.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 4, eff. September 1, 2011.

Sec. 142.009. IMPOUNDMENT OF ESTRAY. (a) The sheriff or the sheriff's designee shall impound an estray and hold it for disposition as provided by this chapter if:

- (1) the owner of the estray is unknown;
- (2) the sheriff or the sheriff's designee is unable to notify the owner;
- (3) the estray is dangerous to the public;
- (4) the estray is located on public property and after notification is not immediately removed by the owner; or
- (5) the estray is located on public or private property and is not redeemed not later than the fifth day after the date of notification, unless the sheriff or the sheriff's designee determines that the owner of the estray is making a good faith effort to comply with Section 142.004(a).

(b) After impounding an estray, the sheriff or sheriff's designee shall prepare a notice of estray stating at least:

- (1) the name and address of the person who reported the estray to the sheriff;
- (2) the location of the estray when found;
- (3) the location of the estray until disposition; and

(4) a description of the animal, including its breed, if known, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics.

(c) The sheriff or sheriff's designee shall file each notice of estray in the estray records in the office of the county clerk.

(d) If the owner of the estray is unknown, the sheriff or the sheriff's designee shall make a diligent search for the identity of the owner of the estray, including a search in the county register of recorded brands, if the animal has an identifiable brand. If the search does not reveal the owner, the sheriff shall post a notice of the impoundment of the estray on the public notice board of the courthouse and advertise the impoundment of the estray:

(1) in a newspaper of general circulation in the county at least twice during the 15 days after the date of impoundment; or

(2) on the county's Internet website for at least 15 days after the date of impoundment.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 75 (H.B. 2042), Sec. 1, eff. May 20, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 5, eff. September 1, 2011.

Sec. 142.010. RECOVERY OF IMPOUNDED ESTRAY BY OWNER. (a) The owner of an estray may recover possession of the estray at any time before the estray is sold under this chapter if:

(1) the owner has provided the sheriff or the sheriff's designee with an affidavit of ownership under this section;

(2) the sheriff or the sheriff's designee has approved the affidavit of ownership;

(3) the approved affidavit of ownership has been filed in the estray records of the county clerk;

(4) the owner has paid all estray handling expenses under this section;

(5) the owner has executed an affidavit of receipt of estray under this section and delivered it to the sheriff; and

(6) the sheriff has filed the affidavit of receipt of estray in the estray records of the county clerk.

(b) An affidavit of ownership must contain at least the following information:

- (1) the name and address of the owner;
- (2) the date the owner discovered that the animal was an estray;
- (3) the property from which the animal strayed;
- (4) a description of the animal, including its breed, color, sex, age, size, markings of any kind, including ear markings and brands, and other identifying characteristics; and
- (5) a sworn statement that the affiant is the owner or caretaker of the animal.

(c) The owner of the estray shall pay the expenses incurred by a person or by a sheriff, sheriff's designee, or the county in impounding, handling, seeking the owner of, or selling the estray. The sheriff is also entitled to a collection fee as provided by Section 142.005 of this code. The total amount of the payment is determined by the sheriff.

(d) A person who disagrees with the amount of the payment set by the sheriff in Subsection (c) of this section may petition the justice court in the manner provided by Section 142.007 of this code and may appeal the justice court decision as provided by Section 142.008 of this code.

(e) An affidavit of receipt of estray must contain at least the following information:

- (1) the name and address of the person receiving the estray;
- (2) the date of receipt of the estray;
- (3) the method of claim to the estray, either previous owner or purchaser at sale;
- (4) if purchased at sale, the amount of the gross purchase price of the estray;
- (5) the estray handling expenses paid; and
- (6) the net proceeds of any sale of the estray.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Sec. 142.011. USE OF ESTRAY. During the period an estray is held by the sheriff, the estray may not be used for any purpose.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Sec. 142.012. ESCAPE OR DEATH OF IMPOUNDED ESTRAY. If the animal dies or escapes while impounded, the sheriff shall make a written report of the death or escape and file the report with the county clerk for placement in the county estray records.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Sec. 142.013. DISPOSITION OR SALE OF IMPOUNDED ESTRAYS. (a) If the ownership of an estray is not determined before the third day after the date of the final advertisement under this chapter or if the estray is not redeemed before the 18th day after the date of impoundment, the county has title to the estray and the sheriff shall, except as provided by Subsection (e), cause the estray to be sold at a sheriff's sale or public auction licensed by the United States Department of Agriculture. Title to the estray is considered vested in the sheriff or the sheriff's designee for purposes of passing good title, free and clear of all claims, to the purchaser at the sale or for the purposes of Subsection (e).

(b) The sheriff shall receive the proceeds of the sale and shall allocate those proceeds in the following order of priority:

- (1) payment of the expenses of sale;
- (2) payment of the impoundment fee and other charges due the sheriff; and
- (3) if applicable, payment of any amount for maintenance and damages due the owners of the private property from which the estray was impounded.

(c) The sheriff shall execute a report of sale of impounded livestock and file the report in the estray records of the county clerk.

(d) If there are sale proceeds remaining from the sale of an impounded estray after all expenses have been paid, the sheriff shall pay the balance to the owner, if known. If the owner is still unknown, the sheriff shall pay the balance to the county official charged with collecting and disbursing county funds, who shall deposit any payment received to the credit of the jury fund of the county for the uses made of that fund, subject to claim by the original owner of the estray.

(e) If a sheriff determines that the sale of an estray under this section is unlikely to generate sufficient proceeds to cover the expense of the sale, the sheriff may, instead of selling the estray:

- (1) donate the estray to a nonprofit organization; or
- (2) retain the estray and use it for county purposes.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987; Acts 1999, 76th Leg., ch. 1329, Sec. 1, 2, eff. Sept. 1, 1999.

Sec. 142.014. RECOVERY BY OWNER OF PROCEEDS OF SALE. Not later than the 180th day after the date of sale of an estray under this chapter, the

original owner of the estray may recover the net proceeds of the sale if:

- (1) the owner has provided the sheriff with an affidavit of ownership containing the information prescribed by Section 142.010(b);
- (2) the sheriff has approved the affidavit;
- (3) the approved affidavit has been filed in the estray records of the county clerk; and
- (4) the sheriff has signed a county voucher directing the payment.

Amended by Acts 1987, 70th Leg., ch. 51, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 191 (S.B. 1357), Sec. 6, eff. September 1, 2011.

Sec. 142.015. DISPOSITION OF ESTRAY UNDER PERILOUS CONDITION. (a) A sheriff or a sheriff's designee is not required to impound an estray if a perilous condition exists.

(b) If a perilous condition exists, the sheriff or the sheriff's designee may immediately dispose of the estray by any means without notifying the owner of the estray.

(c) The sheriff shall make a written report of the disposition and file the report with the county clerk for placement in the county estray records.

Added by Acts 2013, 83rd Leg., R.S., Ch. 15 (S.B. 174), Sec. 3, eff. May 10, 2013.