



Animal Shelter Advisory Committee
7/17/2025

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on July 17, 2025 at 12:00 PM at City Hall – East Mezzanine at 72 W. College Avenue, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Public Comment

Members of the public may raise issues or concerns not listed on the Regular Agenda during this time. To participate, please sign in before the meeting begins. Speakers will be called in the order they signed in. When speaking, citizens must address all comments to the dais, begin by stating their name and address or Single Member District number, and limit their remarks to three minutes or less.

3. Consent Agenda

- a. Consider approving the June 26, 2025 Animal Shelter Advisory Committee regular meeting minutes (Morgan Chegwidden)

4. Regular Agenda

- a. Consider accepting monthly shelter performance for June 2025 (Presentation by Shelter Supervisor Halie Guillen)
- b. Discussion and consideration of adoption services (Presentation by Interim Director Morgan Chegwidden)
- c. Discussion and consideration of state and local requirements for the appropriate enclosure requirements of animals by species (Presentation by Interim Director Morgan Chegwidden)

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, on the 14th day of July 2025, at 11:30 a.m.

Morgan Chegwidden, 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, or the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

Staff Report



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

Meeting Date: July 17, 2025

Item type: Consent Item

Caption:

Consider approving the June 26, 2025 Animal Shelter Advisory Committee regular meeting minutes (Morgan Chegwidden)

Summary/History:

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

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. 250626 Minutes 250626 Minutes.docx

Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval



**City of San Angelo, Texas
Animal Shelter Advisory Committee Minutes
June 26, 2025**

Present:

Chrysanthemum Cohen, SMD1
Jen Murphy, SMD2
Rodger Horton, SMD4
Morgan Chegwidden, SMD6

1. Call to Order

With a quorum of the committee members present, Chairperson Rodger Horton called the regular meeting Animal Shelter Advisory Committee to order at 12:00 p.m. on June 26, 2025 at City Hall East Mezzanine, 72 West College Avenue San Angelo, Texas, for the purpose of considering the following agenda items.

2. Public Comment

No public comment was made.

3. Consent Agenda

- a. Consider approving the May 15, 2025 Animal Shelter Advisory Committee regular meeting minutes.

MOTION: Committee member Murphy made a motion, seconded by Committee member Cohen, to approve the Consent Agenda. The motion carried unanimously four (4) ayes to zero (0) nays.

4. Regular Agenda

- a. Discussion and consideration of monthly shelter performance for May 2025.

A presentation was made by shelter supervisor Halie Guillen. No action was taken on this item.

Wall resident Jenie Wilson provided monthly performance for Concho Valley PAWS.

- b. Discussion and consideration of state and local requirements for the animal services division.

A presentation was made by shelter supervisor Halie Guillen. No action was taken on this item.

- c. Discussion and consideration of reporting loose and/or vicious animals.

A presentation was made by interim assistant director Angela Bloss. No action was taken on this item.

- d. Discussion and consideration of publishing a request for proposal for veterinary services.

A presentation was made by interim assistant director Angela Bloss. A general consensus of the committee approved the request for proposal.

5. Follow Up and Administrative Issues

Committee member Chegwidden encouraged participation in upcoming microchip clinics.

Committee member Horton commended local residents for using social media to get lost pets home quickly without a shelter intake.

6. Adjournment

The meeting was adjourned at 12:40 p.m.

MOTION: Committee member Murphy made a motion, seconded by Committee member Cohen, to adjourn. The motion carried unanimously four (4) ayes to zero (0) nays.

DRAFT

Staff Report



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

Meeting Date: July 17, 2025

Item type: Consent Item

Caption:

Consider accepting monthly shelter performance for June 2025 (Presentation by Shelter Supervisor Halie Guillen)

Summary/History:

345 new animals arrived at the shelter during June. 117 were adopted/transferred, 25 were redeemed by their owner, 32 wildlife were released, 130 were deceased and 355 were in custody at month end.

Animal Services' live release rate was 57.24%.

Financial Impact:

N/A

Other Information/Recommendation:

No action necessary at this time.

Attachments:

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



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

Meeting Date: July 17, 2025

Item type: Regular Item

Caption:

Discussion and consideration of adoption services (Presentation by Interim Director Morgan Chegwidden)

Summary/History:

The City of San Angelo Animal Services Division is facing the end of the multi-year agreement with rescue partner Concho Valley PAWS. At this time, the City may:

- Revert adoption, foster, and transport programming to the City at an approximate cost of \$400,000 annually.
- Publish a request for proposal to continue contracting such services, current cost is about \$72,000 annually.
- No longer offer adoption options and rely on rescue transfers, owner redemption, and euthanasia as the only outcomes available.

The City Council-appointed task force recommends reverting services back to City responsibility.

Financial Impact:

Other Information/Recommendation:

Staff recommends an amended request for proposal.

Attachments:

Presentation:

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

Created/Initiated
Final Approval

Staff Report



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

Meeting Date: July 17, 2025

Item type: Regular Item

Caption:

Discussion and consideration of state and local requirements for the appropriate enclosure requirements of animals by species (Presentation by Interim Director Morgan Chegwidden)

Summary/History:

Today's agenda item continues the orientation of the Animal Shelter Advisory Committee members' roles and responsibilities by discussing details of the state administrative code, select San Angelo ordinances, and state agriculture code.

Texas Administrative Code Title 25, Part 1, Chapter 169, Subchapter G deals with caging requirements and standards for dangerous wild animals.

169.131 Caging Requirements and Standards for Dangerous Wild Animals

- Primary enclosures for housing dangerous wild animals shall be sufficiently strong to prevent escape and to protect the animal(s) from injury and shall be equipped with perimeter fences to prevent any public contact with the animal(s).
- All primary enclosures less than or equal to 1,000 square feet shall be covered at the top to prevent escape.
- A perimeter fence, sufficient to deter entry by the public, shall be a minimum of 8 feet in height and shall completely surround the premises where the animal(s) is housed or exercised outdoors.
- All primary enclosures shall be equipped with a safety entrance.

169.132 Registration, Fee

- Texas Health and Safety Code, §822.103, requires that a person must obtain a certificate of registration for a dangerous wild animal issued by an animal registration agency

Sections of the San Angelo code of ordinances chapter three govern animal services operations and enforcement.

3.01.009 Apiary Regulations

- It shall be unlawful for anyone to keep six or more beehives within 75 feet of neighbor's structures.
- It shall be unlawful for anyone to keep any number of beehives where cultivating apiaries would constitute a nuisance.

3.01.011 Prohibited Animals

- Defined as An animal including but not limited to the following: (1)Any animal protected or endangered according to state or federal laws.(2)Class Reptilia: All venomous snakes, venomous lizards and other venomous animals within the Class Reptilia and animals in the Order Crocodilia.(3) Class Mammalia: Order Carnivora, Family Felidae (ocelots, panthers, bobcats, margay, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the Family Canidae (wolves, dingoes, coyotes, foxes and jackals), except domesticated dogs; Family Hyaenidae (hyenas); Family Mustelidae, (weasels, skunks, martins, mink and badgers), except ferrets; Family Procyonidae (raccoon); Family Ursidae (bears); Order Marsupialia (kangaroos and common opossums); Order Edentata (anteaters) except armadillos; Order Proboscidea (elephants); Order Primates (monkeys, chimpanzees and gorillas); Order Rodentia (porcupines); Order Ungulata (antelope, deer, bison and camels); and Order Artiodactyla, Family Suidae (wild boars) and Family Tayassuidae (javelina).
- Exceptions include permanent possession, exhibition or harboring of hamsters, guinea pigs or gerbils; the temporary possession, exhibition or harboring of a prohibited animal for entertainment, such as a rodeo or circus; housing animals for government research; Texas state staff responding for disease control; transporting animals to appropriate facilities.

3.03.001 Restraint of Dogs - Secure Enclosures

- It shall be unlawful for any dog to have a primary living area that is not in a fenced or enclosed area.
- It shall be unlawful for an outdoor enclosure used as the primary living area for a dog that has less than 50 square feet of space.
- It shall be unlawful for an outdoor enclosure used as the primary living area for a dog

3.03.002 Chaining of Dogs Prohibited as Primary Enclosure

- It shall be unlawful for any person to tether a dog as its primary enclosure for any period longer than two hours cumulative, in a 24-hour period.
- Dogs must be leashed when walking outside.
- Exceptions apply to camping areas.

3.03.003 Prohibited Collars

- It shall be unlawful to restrain a dog with a pinch-type, prong-type, or choke-type collar while the dog is not under the direct control of a person.
- It shall be unlawful to restrain a dog with a collar that is not properly fitted to the dog

3.06.001 Livestock At-Large Prohibited

- It shall be unlawful to permit any hooved animals or fowl to run at-large inside City limits.
- City Council may authorize temporary variances for special events.

3.06.002 Limitations on Swine

- It shall be unlawful to keep more than two pigs, hogs, boars, or other swine inside City limits.
- Commercial uses, such as slaughter houses and auctions, are exempt.
- It shall be unlawful to keep swine, except for potbellied pigs, within 500 feet of a neighbor's structure.

3.06.003 Requirements Governing Hoofed Animals

- It shall be unlawful to keep hoofed animals within 100 feet of a neighbor's structure.
- Commercial uses, such as slaughter houses and auctions, are exempt.

3.06.004 Small Animals and Fowl

- It shall be unlawful to keep small animals within 100 feet of a neighbor's structure.
- Commercial uses, such as slaughter houses and auctions, are exempt.
- Certain exemptions apply to carrier pigeons.

3.06.005 Distances Required for New Construction Near Livestock

- These conditions shall apply even when new construction occurs near livestock.
- The owner has 30 days after occupancy of new construction to remove livestock.

3.09.001 Pens, Yards, and Enclosures - Sanitation

- It shall be unlawful to allow the enclosure where animals are kept to become filthy, malodorous or unsanitary.
- All places where livestock is kept shall have adequate drainage sufficient to prevent standing water in enclosures.

3.09.002 Owners Must Reside on Premises with Dogs

- It shall be unlawful to house a dog where the owner does not reside, unless it is a trained guard dog owned by a business to provide security.

Texas Agriculture Code 142 Texas Agriculture Code Chapter 142, titled "Estrays," outlines the legal procedures for dealing with stray livestock (including exotic wildlife and fowl) that are found roaming on someone else's property or public land. The chapter details how to report the presence of an estray, the responsibilities of the property owner or custodian, and the procedures for impoundment, redemption, and potential sale of the animal.

142.001 Definitions

- Estray means stray livestock, exotic livestock, stray bison, or stray exotic fowl.
- Perilous condition is a circumstance in which capture and impoundment presents an immediate threat to law enforcement or to the health of the estray.

142.003 Discovery of Estray

- If an estray roams public property or property not belonging to the owner, the property owner/guardian shall report the estray to the county sheriff.
- The sheriff or his designee shall notify the owner, if known.
- If the owner does not immediately remove the estray, the sheriff or designee may impound. If perilous conditions exist, the sheriff may proceed with disposition.

142.004 Redemption

- The estray owner may redeem the animal from the property owner if they agree to a redemption payment or a court determines the redemption payment.
- If the owner does not redeem the estray within five days of notification, the sheriff or designee shall immediately impound the animal(s).

142.006 Amount of Redemption Payment

- The caregiver is entitled to receive payment of a reasonable amount.

142.009 Impoundment of Estray

- The sheriff or designee shall impound estray livestock and hold it for disposition if the owner is unknown, the sheriff is unable to notify the owner, or the estray is dangerous to the public.
- The sheriff or designee shall prepare a notice of estray stating the name and address of the reporting individual, location found, location housed until disposition, and description of the animal(s).
- The notice shall be filed with the county clerk, run in the newspaper at least twice within fifteen days, and on the county's website.

142.010 Recovery of Impounded Estray by Owner

- The owner may recover possession within fifteen days with an affidavit and payment of fees.

142.013 Disposition or Sale of Impounded Estrays

- If the owner is not determined by the third day after the date of the final advertisement, the county has title and can sell the estray at a sheriff's sale or USDA licensed public auction.

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | AGRICULTURE CODE CHAPTER 142. ESTRAYS | AGRICULTURE CODE CHAPTER 142. ESTRAYS.pdf |
| 2. | San Angelo, TX Code of Ordinances Excerpts from Ch 3 | San Angelo, TX Code of Ordinances Excerpts from Ch 3.pdf |
| 3. | Texas Administrative Code 169G | Texas Administrative Code 169G.pdf |

Presentation:

Approvals/Reviews:

Morgan Chegwidden
Kathleen Dabbert

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.

Sec. 3.01.009 - Apiary regulations

- (a) It shall be unlawful for anyone to maintain, harbor, or cultivate six or more hives of bees within 75 feet of any residence or place of business other than the residence or place of business of the owner of such hives of bees.
- (b) It shall be unlawful for anyone to maintain, harbor, or cultivate an apiary or any number of hives of bees in such a manner or under such circumstances where such maintenance, harboring and cultivating of apiaries or hives of bees would constitute a nuisance.

(1996 Code, art. 3.1300; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

Sec. 3.01.011 - Prohibited animals

- (a) *Prohibition.* It shall be unlawful for any person to own, possess, exhibit or harbor a prohibited animal within the city.
- (b) *Exceptions.* If the animal is restrained from inflicting injury upon persons, property or other animals and adequate provision is made for the protection of the animal, the provisions of this section are not applicable to the following:
 - (1) The permanent possession, exhibition or harboring of hamsters, guinea pigs or gerbils;
 - (2) The temporary possession, exhibition or harboring of a prohibited animal where such possession, exhibition or harboring is associated with organized public entertainment, including, but not limited to, a zoo, performing animal exhibition, rodeo or circus;
 - (3) The temporary possession, exhibition or harboring of a prohibited animal by a governmental entity or research institution;
 - (4) The temporary possession or harboring of a prohibited animal by a state game warden, state-licensed wildlife rehabilitation worker or doctor of veterinary medicine in an appropriately zoned area of the city, when such possession or harboring is in conjunction with the treatment of or the observation for disease;
 - (5) The temporary possession of a prohibited animal while transporting such animal to any of the authorized places or persons specified in this section;
 - (6) The temporary possession of a prohibited animal of the Class Reptilia for the purpose of milking the venom, dissecting, and utilizing the body parts of said animals for a commercial purpose so long as said animal is located in an appropriately zoned area of the city;
 - (7) Any government-sponsored facility (educational or research) having a state department of parks and wildlife permit pursuant to Texas Parks and Wildlife Code, title 5, subtitle A, chapter 43, subchapter C (Permits for Scientific Research, Zoological Collection, Rehabilitation, and Educational Display). This exception shall apply only to protected wildlife as that term is defined in section 43.021 of the Texas Parks and Wildlife Code.

(c) *Violations.* In the event any person owns, possesses, exhibits or harbors a prohibited animal within the city corporate limits, which animal is not subject to any of the exceptions specified in this section, then any designated officer or agent employed by the city may immediately take such animal and impound it and issue a summons for such person to appear in municipal court within ten days to answer such charges. After reasonable notice and hearing, the city, by its designated agent, may remove the prohibited animal from the city limits or otherwise dispose of the animal. In the event the owner of the prohibited animal is unknown or after reasonable diligence cannot be located, the city, by its designated agents, may remove the prohibited animal from the city limits or otherwise dispose of the animal without notice.

(1996 Code, art. 3.1700; Ordinance adopted 11-16-99; Ordinance adopted 10-3-06; Ordinance adopted 9-18-07, § 5; Ordinance adopted 10-6-15)

State Law reference— Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

ARTICLE 3.03 - RESTRAINT OF DOGS

Footnotes:

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State Law reference— *Unlawful restraint of dog, V.T.C.A., health and Safety Code, sec. 821.077.*

Sec. 3.03.001 - Secure enclosures

It shall be unlawful for:

- (1) Any dog to have a primary living area that is not in a fenced or enclosed area. A fenced or enclosed area is an enclosure that is made of sound material that will act as boundary or barrier to prevent the escape of a dog or the entry of young children. Residences will qualify as the primary living that is not secure enclosure.
- (2) An outdoor enclosure used as the primary living area for a dog or used as an area for a dog to regularly eat, sleep, drink, and eliminate to have less than 50 square feet of space for each dog six months of age or older.
- (3) Female dogs with litters to be housed in the same enclosure with other adult dogs if the enclosure is less than 400 square feet.

(1996 Code, sec. 3.2001; Ordinance adopted 3-17-09; Ordinance adopted 10-6-15)

Sec. 3.03.002 - Chaining of dogs prohibited as primary enclosure

- (a) It shall be unlawful for any person to chain or tether a dog as its primary enclosure for any period longer than two hours cumulative, in a 24-hour period, except that:

- (1) A dog must be restrained by a leash while being walked outside of a fenced or enclosed area;
- (2) A dog may be restrained by chain or tether at a camping or recreational area in compliance with Texas Health and Safety Code section 821.077.

(b) If a person is not immediately able to comply with this section, the person may be given an extension of 15 days to comply by the animal services manager.

(1996 Code, sec. 3.2002; Ordinance adopted 3-17-09; Ordinance adopted 10-6-15)

Sec. 3.03.003 - Prohibited collars

It shall be unlawful to restrain a dog with:

- (1) A collar that is pinch-type, prong-type, or choke-type while the dog is not under the direct supervision and control of a person; or
- (2) A collar that is not properly fitted to the dog. Properly fitted shall mean a collar that measures the circumference of a dog's neck plus at least one inch; provided, however, the one inch may be reduced the minimum amount necessary to prevent a small dog from slipping out of the collar.

(1996 Code, sec. 3.2003; Ordinance adopted 3-17-09; Ordinance adopted 10-6-15)

ARTICLE 3.06 - LIVESTOCK, FOWL AND RABBITS

Sec. 3.06.001 - Livestock at-large prohibited

- (a) It shall be unlawful to permit any horses, mules, goats, cattle, sheep, swine, geese, chickens or fowl to run at-large within the limits of the city.
- (b) After hearing evidence and considering relevant factors, the city council may, at its sole discretion, grant or deny a permit to authorize temporary variances from the prohibitions in subsection (a) of this section for special events. The city council may designate and attach conditions it deems appropriate to such permit.
- (c) Violation or failure to comply with any conditions imposed by the city council may result in revocation of the permit by the city manager. After revocation of such permit, it shall be unlawful to hold or continue to hold that event.

(1996 Code, art. 3.600; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

Sec. 3.06.002 - Limitations on swine

- (a) It shall be unlawful for any person to keep, harbor or have in his custody, possession or control within the limits of the city more than two altogether, pigs, hogs, boars or swine.

- (b) This prohibition shall not apply to operators of slaughterhouses, packing plants, livestock sales or auction companies or places of business holding the animals named herein for the purposes of sale or slaughter, so long as such animals are not held for a longer period of time than 48 hours. It shall be unlawful for any person operating a slaughterhouse, meat processing plant or packing plant or livestock sales or auction company to have in their custody, control or possession within the limits of the city any pig, hog, boar or swine for a greater period of time than 48 hours.
- (c) It shall be unlawful to keep any pig, hog, boar or swine other than a potbellied pig in any pen, enclosure, trailer or vehicle within 500 feet of any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Provided, however, it shall be a defense to prosecution under this section if a trailer or vehicle containing any pigs, hogs, boars or swine is parked for less than two hours within the prohibited area. This prohibition shall not apply to where the animals are kept in a manufacturing zone for a use allowed in such zone.

(1996 Code, art. 3.700; Ordinance adopted 11-16-99; Ordinance adopted 3-1-05; Ordinance adopted 10-6-15)

Sec. 3.06.003 - Requirements governing hoofed animals

- (a) It shall be unlawful for any person to keep cows, horses, goats or other hoofed animals in a pen or enclosure, or to keep or park a trailer or vehicle which contains such animals, within 100 feet of any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Provided however, it shall be a defense to prosecution under this section if a trailer or vehicle containing cows, horses, goats or other hoofed animals is parked for less than two hours in the prohibited area.
- (b) The foregoing prohibition shall not apply where the animals are kept in a manufacturing zone for a use allowed in such zone.

(1996 Code, art. 3.800; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

Sec. 3.06.004 - Small animals and fowl

- (a) It shall be unlawful for any person to keep any small animal, including, but not limited to, rabbits, guinea pigs, fowls, chickens, guinea fowl and turkeys, in a pen or enclosure, or to keep or park a trailer or other vehicle which contains such animals, within 100 feet of any residence, business or institution other than the residence, business or institution of the owners of such animals. It shall be a defense to prosecution under this section if a trailer or vehicle containing the above-described animals is parked for less than two hours in the prohibited area. Additionally, the foregoing prohibition shall not apply where the animals are kept in a manufacturing zone for a use allowed in such zone. It is further provided that any person may keep those pigeons designated as Antwerp Messenger or homing pigeons, commonly called carrier pigeons,

anywhere within the city, provided they keep or maintain no more than 70 of said pigeons on their property. Additionally, owners who keep pigeons of the variety hereinabove designated must comply with the following restrictions:

- (1) Each pigeon shall bear a seamless leg band carrying either a registration number from the recognized association of pigeon fanciers or an identification insignia of the owner.
 - (2) All pigeons shall be confined in sanitary cages or lofts but may be released under supervision within the corporate city limits for exercise, training or racing, but it shall be the responsibility of the owner or handler to prevent them from alighting on the property of others.
 - (3) The sole purpose of this exception is to foster the sport of pigeon racing. Where the predominant purpose of keeping pigeons is for breeding or resale, this exception shall not apply.
- (b) It shall be unlawful to fail to abide by the terms of this section. This section shall be effective from and after October 1, 1989.
- (c) It shall be unlawful for any person to own, possess, keep, maintain or harbor more than one adult male chicken or rooster on any property or premises within the city limits.

(1996 Code, art. 3.900; Ordinance adopted 11-16-99; Ordinance adopted 4-20-10; Ordinance adopted 10-6-15)

Sec. 3.06.005 - Distances required for new construction near livestock

The specified distances herein established shall apply as well when new construction in the nature of homes or businesses is affected adjacent to the place where livestock is being kept. When such new construction is occupied, the livestock owner shall have 30 days after such occupancy of said new construction in which to remove said livestock to his required distances as prescribed by this chapter. Failure to remove said livestock to said required distances shall be a violation of this chapter.

(1996 Code, art. 3.1200; Ordinance adopted 11-16-99; Ordinance adopted 10-6-15)

ARTICLE 3.09 - PENS, YARDS AND ENCLOSURES

Sec. 3.09.001 - Sanitation

It shall be unlawful for any person harboring, having or keeping in possession any animal, including but not limited to horses, mules, goats, sheep, swine, geese, ducks, chickens and other fowls, dogs, cats, nondomesticated animals including predatory animals, and primates, to allow the pen, yard, enclosure or other place where such animals are kept to become filthy, malodorous or unsanitary. All places where livestock is kept shall have adequate drainage sufficient to prevent standing water in pens, yards or enclosures.

(1996 Code, sec. 3.1001; Ordinance adopted 9-18-07 § 3; Ordinance adopted 10-6-15)

Sec. 3.09.002 - Owner must reside on premises with dogs

- (a) It shall be unlawful for any person to cause a dog to reside on property where the owner of the dog or the owner's designee does not reside unless the dog is a trained guard dog owned or leased by a business to provide security for the business.
- (b) In the event any person violates this section, then any designated officer or agent employed by the city may immediately take such animal and impound it and issue a summons for such person to appear in municipal court within ten days to answer such charges. After reasonable notice and hearing, the city, by its designated agent, may remove the dog or otherwise dispose of the animal. In the event the owner of the dog is unknown or after reasonable diligence cannot be located, the city, by its designated agents, may remove the dog or otherwise dispose of the animal without notice.
- (c) Violation of this section is a class C misdemeanor.

(1996 Code, sec. 3.1002; Ordinance adopted 9-18-07, § 3; Ordinance adopted 10-6-15)

TEXAS ADMINISTRATIVE CODE
TITLE 25. HEALTH SERVICES
PART I. DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 169. ZONOSIS CONTROL
SUBCHAPTER G. CAGING REQUIREMENTS AND STANDARDS FOR
DANGEROUS WILD ANIMALS

§169.131. Caging Requirements and Standards for Dangerous Wild Animals.

(a) Definitions.

(1) Key components of facilities for confining dangerous wild animals and restricting public contact with the animals are the primary enclosure and the perimeter fence.

(A) Primary enclosure - Any structure used to immediately restrict an animal(s) to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

(B) Perimeter fence - A barrier surrounding the area containing the primary enclosure(s) that restricts public access to the area.

(2) Where specified in this section, primary enclosures for dangerous wild animals shall be equipped to provide for a safe, healthy, and humane environment for the animals; prevent escape by the animals; and protect and enhance the public's health and safety. Such equipment includes, but is not limited to:

(A) Safety entrance - A protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry.

(B) Shelter (including such structures as nest boxes or dens) - An enclosed structure that provides protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal(s). Such a structure may vary in size depending on the security and biological needs of the species; it shall be large enough to accommodate all the animals in the enclosure simultaneously. Such a structure shall be within, attached to, or adjacent to the primary enclosure and be readily accessible to the animal(s).

(C) Elevated platform or perching area - A surface or structure, either natural or manmade, positioned above the floor or above the grade level of the primary enclosure that will provide a resting area for the animal(s).

(D) Gnawing and chewing items - Natural or artificial materials that provide for the health of teeth, so as to keep teeth sharp, remove tartar, and promote general oral hygiene. Gnawing items include, but are not limited to, logs and trees. Chewing items include, but are not limited to, woody stems, knuckle bones, and rawhide objects. Suitability is dependent upon species of animal.

(b) General Requirements.

(1) Primary enclosures for housing dangerous wild animals shall be sufficiently strong to prevent escape and to protect the animal(s) from injury and shall be equipped with perimeter fences to prevent any public contact with the animal(s). Perimeter fences may be constructed from materials such as fencing, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(2) All primary enclosures less than or equal to 1,000 square feet shall be covered at the top to prevent escape.

(3) A perimeter fence, sufficient to deter entry by the public, shall be a minimum of 8 feet in height and shall completely surround the premises where the animal(s) is housed or exercised outdoors. Perimeter fences constructed of materials, such as chain link or welded wire, that allow objects to be passed through them shall be at least 3 feet from the primary enclosure or appropriately enclosed exercise area.

(c) Structural Requirements for Primary Enclosures. In addition to the size and equipment requirements for primary enclosures, dangerous wild animals shall be caged in accordance with the following requirements.

(1) All primary enclosures shall be equipped with a safety entrance. Such entrances shall include a double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength or greater than that prescribed for cage construction for that particular species. The area occupied by the safety entrance shall be in addition to the space requirements for the primary enclosure.

(2) All primary enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at or below ground level to prevent escape by digging or erosion. Metal clamps, ties, or braces used in the construction of enclosures shall be of strength equivalent to or greater than the material required for primary enclosure construction for the particular species.

(3) Additional minimum requirements for specific species and hybrids of those species shall be as follows.

(A) Chimpanzees, gorillas, and orangutans.

(i) Outdoor facilities - Construction material shall consist of steel bars, 2-inch galvanized pipe, masonry block, or their strength equivalent or greater. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped, at minimum, with steel bars, 2-inch galvanized pipe, or equivalent.

(B) Baboons, jaguars, tigers, lions, leopards, cougars, cheetahs, bears, and hyenas.

(i) Outdoor facilities - Construction material shall consist of not less than 9-gauge chain link or equivalent. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped with wire or grating of not less than 9-gauge or equivalent.

(C) Ocelots, servals, lynxes, bobcats, caracals, coyotes, and jackals.

(i) Outdoor facilities - Construction material shall consist of not less than 12-gauge chain link or equivalent. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped with wire or grating not less than 12-gauge or equivalent.

(d) Primary Enclosure Size and Equipment Requirements. No dangerous wild animal shall be confined in any primary enclosure that contains more individual animals than specified in this section, is smaller in dimension than specified in this section, or is not equipped as specified in this section. The area occupied by pools, ponds, or lakes shall be in addition to the space requirements for the primary enclosure. Specifications in this section also pertain to hybrids of designated species.

(1) Primates.

(A) In addition to species-related requirements of this section, each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, mirrors, foraging items, or pools. The area occupied by pools shall be in addition to the space requirements for the primary enclosure.

(B) Each primary enclosure shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously.

(C) Each primary enclosure shall have horizontal and vertical climbing structures appropriate for the species.

(D) Primates shall not be kept in uncovered enclosures. However, for enclosures over 1,000 square feet in which a cover is not feasible, humane alternative measures shall be taken to prevent escape; these measures shall not compromise the health and safety of the public or the health, safety, and overall welfare of the animal(s). Such measures may

include, but are not limited to, increased fence heights; electrified wires on fences; fence placement distant from trees or other structures that an animal(s) can climb; and/or water moats surrounding the enclosure. The owner shall seek and provide proof of consultation with a zoological organization or association to confirm that the escape-prevention measure(s) implemented are appropriate and effective for the enclosed primate(s).

(E) Requirements for specific primate species are as follows:

(i) Baboons. For one animal, the primary enclosure shall have a minimum floor area of 100 square feet with a wall or fence at least 10 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(ii) Chimpanzees, orangutans, and gorillas. For one animal, the primary enclosure shall have a minimum floor area of 400 square feet with a wall or fence at least 10 feet high. For each additional animal, primary enclosure size shall be increased by at least 350 square feet.

(2) Wild felines.

(A) In addition to requirements of this section, each primary enclosure shall be equipped with a shelter(s) large enough to accommodate all the animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide materials, or pools. The area occupied by a pool shall be in addition to the space requirements for the primary enclosure.

(C) Each primary enclosure shall have an elevated platform(s) large enough to accommodate all animals in the enclosure simultaneously.

(D) Each primary enclosure shall have at least one claw log.

(E) Requirements for specific species of wild felines are as follows:

(i) Lions and tigers.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Primary enclosures over 1,000 square feet (if uncovered) shall have vertical jump walls at least 12 feet high with an attached 45-degree inward-angle overhang at least 3 feet wide or jump walls at least 16 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

(ii) Cheetahs.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Primary enclosures over 1,000 square feet (if uncovered) shall have vertical jump walls at least 10 feet high with an attached 45-degree inward-angle overhang at least 2 feet wide or 12 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

(iii) Jaguars, leopards, and cougars.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 12 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(II) Jaguars, leopards, and cougars shall not be kept in uncovered enclosures.

(iv) Bobcats, lynxes, ocelots, caracals, and servals.

(I) For one animal, the primary enclosure shall have a minimum floor area of 100 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 50 square feet.

(II) Bobcats, lynxes, ocelots, caracals, and servals shall not be kept in uncovered enclosures. However, for enclosures over 1,000 square feet in which a cover is not feasible, humane alternative measures shall be taken to prevent escape; these measures shall not compromise the health and safety of the public or the health, safety, and overall welfare of the animal(s). Such measures may include, but are not limited to, increased fence heights; electrified wires on fences; overhangs on fences; predator guards on trees; and/or fence placement distant from trees or other structures that an animal(s) can climb. The owner shall seek and provide proof of consultation with a zoological organization or association to confirm that the escape-prevention measure(s) implemented are appropriate and effective for the enclosed feline(s).

(3) Bears.

(A) In addition to the requirements of this section, each primary enclosure shall be equipped with a shelter(s) that shall accommodate all animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be

noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, climbing apparatus, or foraging items.

(C) Each primary enclosure shall have an elevated platform(s) for resting that will accommodate all animals in the enclosure simultaneously.

(D) Bears should be kept in covered enclosures or enclosures with an attached 45-degree inward-angle overhang at least 3 feet wide.

(E) Requirements for specific types of bears are as follows:

(i) Sun bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Each primary enclosure shall have, as a minimum, a 3-foot by 4-foot pool of water, 2 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(ii) Black bears and Asiatic bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 400 square feet with a wall or fence at least 8 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 175 square feet.

(II) Each primary enclosure shall have, as a minimum, a 4-foot by 6-foot pool of water, 3 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(iii) Brown bears and polar bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 500 square feet with a wall or fence at least 10 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 200 square feet.

(II) Each primary enclosure for brown bears shall have, as a minimum, a 6-foot by 10-foot pool of water, 4 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(III) Each primary enclosure for polar bears shall have, as a minimum, a 10-foot by 10-foot pool of water, 5 feet deep. The area occupied by the pool shall

be in addition to the space requirements for the primary enclosure.

(4) Coyotes, jackals, and hyenas.

(A) In addition to the requirements of this section, each primary enclosure shall be equipped with a shelter(s) that shall accommodate all the animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide materials, or pools. The area occupied by a pool shall be in addition to the space requirements for the primary enclosure.

(C) For one animal, the primary enclosure shall have a minimum floor area of 150 square feet (200 square feet for hyenas) with a wall or fence at least 6 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(D) Each primary enclosure shall have an elevated platform(s) large enough to accommodate all animals in the enclosure simultaneously.

(E) Uncovered primary enclosures shall have vertical jump walls at least 8 feet high with an attached 45-degree inward-angle overhang at least 2 feet wide or jump walls at least 10 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

The provisions of this §169.131 adopted to be effective March 14, 2002, 27 TexReg 1798; amended to be effective September 14, 2006, 31 TexReg 7352; amended to be effective February 10, 2011, 36 TexReg 550; amended to be effective July 26, 2017, 42 TexReg 3643

§169.132. Registration, Fee.

(a) Texas Health and Safety Code, §822.103, requires that a person must obtain a certificate of registration for a dangerous wild animal issued by an animal registration agency. The animal registration agency must include the following information on the certificate of registration:

(1) issuance date;

(2) certificate number;

(3) filing fee (\$20 per animal) along with the department's mailing address as listed in subsection (b) of this section and a statement that the fee must be submitted to the department along with a copy of the certificate;

(4) name, address, and phone number of the owner of the dangerous wild animal;

(5) name and address of the animal registration agency;

(6) species, sex, age, color, distinguishing marks, and other features (for example, ear notch, tattoo, sterilization status) of the dangerous wild animal;

(7) the address of where the dangerous wild animal is kept;

(8) the expiration date (or a statement that the certificate expires one year from the issuance date) unless the certificate is revoked, that the certificate is non-transferable, and that the certificate must be displayed at the location where the dangerous wild animal is kept; and

(9) the signature of the authorized person at the animal registration agency.

(b) Texas Health and Safety Code, §822.106, requires that not later than the 10th day after the date a person receives the certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Texas Department of State Health Services, Zoonosis Control, P. O. Box 149347, Mail Code 1956, Austin, Texas 78714-9347. The fee for filing the certificate is \$20 per animal, submitted with the copy of the certificate.

The provisions of this §169.132 adopted to be effective February 10, 2011, 36 TexReg 550; amended to be effective July 26, 2017, 42 TexReg 3643