



**Animal Shelter Advisory Committee
01/18/2018**

Notice is hereby given of a regular meeting of the Animal Shelter Advisory Committee of the City of San Angelo to be held on January 18, 2018 at 12:00 PM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Recognition

- a. David Howard for his service on the Animal Shelter Advisory Committee

3. 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.

4. Consent Agenda

- a. Consider approving the November 16, 2017 Animal Shelter Advisory Committee regular meeting minutes
- b. Consider approving the December 14, 2017 Animal Shelter Advisory Committee regular meeting minutes

5. Regular Agenda

- a. Discussion and possible action related to monthly shelter numbers for November 2017
- b. Discussion and possible action related to monthly shelter numbers for December 2017
- c. Discussion and possible action related to the animal control procedures for cruelty cases
- d. Discussion and possible action related to the animal control procedures for tethering dogs

6. Follow Up and Administrative Issues

7. 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 12th day of January 2018, at 4:30 p.m.

Morgan Chegwidden,
Asst. 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.

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.

In an effort to provide our viewing public with information on the various City Boards and Commissions. This meeting will be recorded and broadcasted on Local Government Channel 17 at 8:00 a.m. on Fridays. For a schedule of all broadcasts, contact the Public Information Office at 481-2727 or visit our website at www.cosatx.us.



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

Meeting Date: January 18, 2018

Item type: Consent Item

Caption:

Consider approving the November 16, 2017 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. Minutes 171116 ASAC Minutes.docx

Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval



Animal Shelter Advisory Minutes November 16, 2017

A regular meeting of the Animal Services Advisory Committee of the City of San Angelo was held on Thursday, November 16, 2017 at 12:00p.m. at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

Committee Attendees: Carah Dunagan, Victor Schulze, Ryan Smith and Jenie Wilson

Staff Attendees: Morgan Chegwidden, Assistant Director of Neighborhood and Family Services

1. Call to Order

With a quorum of the committee members present, Chairman Ryan Smith called the regular meeting Animal Shelter Advisory Committee to order at 12:00 p.m. on Thursday November 16, 2017 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Public Comment

No public comments were made.

3. Consent Agenda

- a. Consider approving the September 21, 2017 regular meeting minutes.

Committee member Smith made a motion, seconded by Committee Member Dunagan to approve the minutes. The motion carried unanimously four (4) ayes to zero (0) nays.

- b. Consider approving the October 19, 2017 regular meeting minutes.

Committee member Smith made a motion, seconded by Committee Member Schulze to approve the minutes. The motion carried unanimously four (4) ayes to zero (0) nays.

4. Regular Agenda

- a. Discussion and possible action related to monthly shelter numbers for September 2017.

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

- b. Discussion and possible action related to monthly shelter numbers for fiscal year 2016-2017.

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 October 2017.

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 the request for proposal for adoption services.

Committee Member Wilson recused herself from the conversation due to a potential conflict of interest. This created a lack of quorum so the item was postponed to a special meeting in December to be scheduled as members are available.

e. Discussion and possible action related to the animal control procedure for wildlife cases.

A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden. With requested edits, committee member Schulze made a motion, seconded by committee member Wilson to approve the procedure. The motion carried unanimously four (4) ayes to zero (0) nays.

5. Follow Up and Administrative Issues

Neighborhood & Family Services Assistant Director Morgan Chegwidden announced the recruitment efforts to fill the key role of shelter supervisor.

6. Adjournment

There being no further business, the meeting was adjourned at 12:49 p.m.



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

Meeting Date: January 18, 2018

Item type: Consent Item

Caption:

Consider approving the December 14, 2017 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. Minutes 171214 ASAC Minutes.docx

Presentation:

None

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval



Animal Shelter Advisory Minutes December 14, 2017

A regular meeting of the Animal Services Advisory Committee of the City of San Angelo was held on Thursday, November 16, 2017 at 12:00p.m. at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

Committee Attendees: Timothy Davenport-Herbst, Carah Dunagan, David Howard, Ryan Smith and Jenie Wilson

Staff Attendees: Morgan Chegwidden, Assistant Director of Neighborhood and Family Services

1. Call to Order

With a quorum of the committee members present, Chairman Ryan Smith called the regular meeting Animal Shelter Advisory Committee to order at 12:01 p.m. on Thursday December 14, 2017 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Public Comment

No public comments were made.

3. Regular Agenda

a. Discussion and possible action related to the request for proposal for adoption services.

Committee Member Wilson recused herself from the conversation due to a potential conflict of interest. This created a lack of quorum as committee member Davenport-Herbst had not yet arrived. Chairman Ryan Smith called for a recess at 12:03 p.m. The meeting was reconvened at 12:03 p.m. A presentation was made by Neighborhood & Family Services Assistant Director Morgan Chegwidden. Committee member Davenport-Herbst made a motion, seconded by committee member Howard to approve the procedure. The motion carried unanimously four (4) ayes to zero (0) nays.

4. Follow Up and Administrative Issues

Chairman Ryan Smith announced the recruitment efforts to fill vacant positions in the shelter. Committee member Wilson announced the upcoming adoption event noting that generous donors had contributed the adoption fee for all animals at the event.

5. Adjournment

There being no further business, the meeting was adjourned at 12:15 p.m.



Animal Shelter Advisory Committee

January 18, 2018



November 2017

- 0 adoptable pets euthanized
- 20 months in a row
- 20 citizens using microchip clinic



November 2017

- 438 new arrivals
- 164 adopted
- 45 redeemed by owner
- 210 euthanized (feral, injured, sick, aggressive)
- 3 died in custody
- 251 left in shelter
- 69.3% released live



November 2017

- 210 Euthanized
 - 112 cats
 - 74 dogs
 - 2 deer
 - 22 skunks



November 2017

- 210 Euthanized
 - 69 Sick/Injured/Failure to thrive
 - 73 Feral (not sick)
 - 44 Aggressive/Bite Quarantine
 - 23 Wildlife
 - 1 Owner requested
 - 0 Time/Space





Animal Shelter Advisory Committee

January 18, 2018





Animal Shelter Advisory Committee

January 18, 2018



December 2017

- 0 adoptable pets euthanized
- 21 months in a row
- 25 citizens using microchip clinic



December 2017

- 362 new arrivals
- 107 adopted
- 49 redeemed by owner
- 178 euthanized, dead on arrival, died in custody
- 279 left in shelter
- 70.96% released live



December 2017

- 178 Euthanized, Dead on arrival, Died in custody
 - 97 cats
 - 64 dogs
 - 1 opossum
 - 2 raccoons
 - 4 deer
 - 10 skunks



December 2017

- 178 Euthanized, Dead on arrival, Died in custody
 - 56 Sick/Injured/Failure to thrive
 - 71 Feral (not sick)
 - 32 Aggressive/Bite Quarantine
 - 11 Wildlife
 - 1 Owner requested
 - 7 Dead on arrival, Died in custody
 - 0 Time/Space





Animal Shelter Advisory Committee

January 18, 2018





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

Meeting Date: January 18, 2018

Item type: Regular Item

Caption:

Discussion and possible action related to the animal control procedures for cruelty cases

Summary/History:

Municipal Court Judge Gilbert, municipal prosecutor Deborah Womack and myself met several times to review laws and practices for the animal service division to improve procedures. The task of handling cruelty cases is our most current development of a standard operating procedure. This consistent approach should yield greater service delivery to citizens.

State health code chapter 821 and local ordinance 3.07 governs the treatment of animals in Texas.

Attached is the law for your reference as well as the standard operating procedure, complaint example, warrant example and property release form.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of the standard operating procedure for cruelty cases.

Attachments:

- | | | |
|----|---------------------------|--|
| 1. | Health & Safety Code 821 | HS 10.821.pdf |
| 2. | City Ordinance | 180118 SOP Animal Control Cruelty Ordinance.docx |
| 3. | SOP Cruelty | 180118 SOP Animal Control Cruelty Cases.docx |
| 4. | Property Release Form | 180118 Property Release Form.pdf |
| 5. | Cruelty Complaint Example | 180118 Cruelty Complaint Example.docx |
| 6. | Cruelty Warrant Example | 180118 Cruelty Warrant Example.docx |
| 7. | Presentation | 180118 ASAC Monthly Cruelty.pptx |

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwiddden
Theresa James

Created/Initiated
Final Approval

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS

SUBCHAPTER A. TREATMENT OF ANIMALS

Sec. 821.001. DEFINITION. In this subchapter, "animal" includes every living nonhuman creature.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 3.1593, eff. April 2, 2015.

Sec. 821.002. TREATMENT OF IMPOUNDED ANIMALS. (a) A person who impounds or causes the impoundment of an animal under state law or municipal ordinance shall supply the animal with sufficient wholesome food and water during its confinement.

(b) If an animal impounded under Subsection (a) continues to be without necessary food and water for more than 12 successive hours, any person may enter the pound or corral as often as necessary to supply the animal with necessary food and water. That person may recover the reasonable cost of the food and water from the owner of the animal. The animal is not exempt from levy and sale on execution of a judgment issued to recover those costs.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 821.003. TREATMENT OF LIVE BIRDS. (a) This section applies to a person who receives live birds for transportation or for confinement:

- (1) on wagons or stands;
- (2) by a person who owns a grocery store, commission house, or other market house; or
- (3) by any other person if the birds are to be closely confined.

(b) The person shall immediately place the birds in coops, crates, or cages that are made of open slats or wire on at least three sides and that are of a height so that the birds can stand

upright without touching the top.

(c) The person shall keep clean water and suitable food in troughs or other receptacles in the coops, crates, or cages. The troughs or other receptacles must be easily accessible to the confined birds and must be placed so that the birds cannot defile their contents.

(d) The person shall keep the coops, crates, or cages in a clean and wholesome condition and may place in each coop, crate, or cage only the number of birds that have room to move around and to stand without crowding each other.

(e) The person may not expose the birds to undue heat or cold and shall immediately remove all injured, diseased, or dead birds from the coops, crates, or cages.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 821.004. KNOWLEDGE OR ACTS OF CORPORATE AGENT OR EMPLOYEE. The knowledge and acts of an agent or employee of a corporation in regard to an animal transported, owned, or used by or in the custody of the corporation are the knowledge and acts of the corporation.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

SUBCHAPTER B. DISPOSITION OF CRUELLY TREATED ANIMALS

Sec. 821.021. DEFINITIONS. In this subchapter:

(1) "Cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(2) "Nonprofit animal welfare organization" means a nonprofit organization that has as its purpose:

(A) the prevention of cruelty to animals; or

(B) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.

(3) "Owner" includes a person who owns or has custody or control of an animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 1, eff. September 1, 2011.

Sec. 821.0211. ADDITIONAL DEFINITION. In this subchapter, "magistrate" means any officer as defined in Article 2.09, Code of Criminal Procedure, except that the term does not include justices of the supreme court, judges of the court of criminal appeals, or courts of appeals, judges or associate judges of statutory probate courts, or judges or associate judges of district courts that give preference to family law matters or family district courts under Subchapter D, Chapter 24, Government Code.

Acts 2003, 78th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 334 (H.B. 890), Sec. 10, eff. September 1, 2009.

Sec. 821.022. SEIZURE OF CRUELLY TREATED ANIMAL. (a) If a peace officer or an officer who has responsibility for animal control in a county or municipality has reason to believe that an animal has been or is being cruelly treated, the officer may apply to a justice court or magistrate in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal.

(b) On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court or magistrate shall issue the warrant and set a time within 10 calendar days of the date of issuance for a hearing in the appropriate justice court or municipal court to determine whether the animal has been cruelly treated.

(c) The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 1, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Sec. 821.023. HEARING; ORDER OF DISPOSITION OR RETURN OF ANIMAL. (a) A finding in a court of competent jurisdiction that the owner of an animal is guilty of an offense under Section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 42.09 or 42.092, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) If the court finds that the animal's owner has cruelly treated the animal, the owner shall be divested of ownership of the animal, and the court shall:

- (1) order a public sale of the animal by auction;
- (2) order the animal given to a municipal or county animal shelter or a nonprofit animal welfare organization; or
- (3) order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

(e) After a court finds that an animal's owner has cruelly treated the animal, the court shall order the owner to pay all court costs, including:

- (1) the administrative costs of:
 - (A) investigation;
 - (B) expert witnesses; and
 - (C) conducting any public sale ordered by the court; and
- (2) the costs incurred by a municipal or county animal shelter or a nonprofit animal welfare organization in:
 - (A) housing and caring for the animal during its impoundment; and
 - (B) humanely destroying the animal if destruction is ordered by the court.

(e-1) After a court finds that an animal's owner has cruelly treated the animal, the court shall determine the estimated costs likely to be incurred by a municipal or county animal shelter or a

nonprofit animal welfare organization to house and care for the impounded animal during the appeal process.

(e-2) After making the determination under Subsection (e-1), the court at the time of entering the judgment shall set the amount of bond for an appeal equal to the sum of:

(1) the amount of the court costs ordered under Subsection (e); and

(2) the amount of the estimated costs determined under Subsection (e-1).

(e-3) A court may not require a person to provide a bond in an amount greater than or in addition to the amount determined by the court under Subsection (e-2) to perfect an appeal under Section [821.025](#).

(e-4) Notwithstanding any other law, the amount of court costs that a court may order under Subsection (e) and the amount of bond that a court determines under Subsection (e-2) are excluded in determining the court's jurisdiction under Subtitle A, Title 2, Government Code.

(f) The court may order that an animal disposed of under Subsection (d)(1) or (d)(2) be spayed or neutered at the cost of the receiving party.

(g) The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 157, Sec. 1, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 14.43, 14.44, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 886 (H.B. [2328](#)), Sec. 4, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. [963](#)), Sec. 2, eff. September 1, 2011.

Sec. 821.024. SALE OR DISPOSITION OF CRUELLY TREATED ANIMAL. (a) Notice of an auction ordered under this subchapter must be posted on a public bulletin board where other public notices

are posted for the county or municipality. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.

(b) Proceeds from the sale of the animal shall be applied first to any costs owed by the former owner under Section [821.023](#)(e). The officer conducting the auction shall pay any excess proceeds to the justice or municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.

(c) If the officer is unable to sell the animal at auction, the officer may cause the animal to be humanely destroyed or may give the animal to a municipal or county animal shelter or a nonprofit animal welfare organization.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 2, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. [963](#)), Sec. 3, eff. September 1, 2011.

Sec. 821.025. APPEAL. (a) An owner divested of ownership of an animal under Section [821.023](#) may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located.

(b) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the order is issued, the owner must file a notice of appeal and a cash bond or surety bond in an amount set by the court under Section [821.023](#)(e-2).

(c) Not later than the fifth calendar day after the date the notice of appeal and bond is filed, the court from which the appeal is taken shall deliver a copy of the clerk's record to the clerk of the county court or county court at law to which the appeal is made.

(d) Not later than the 10th calendar day after the date the county court or county court at law, as appropriate, receives a copy of the clerk's record, the court shall consider the matter de novo and dispose of the appeal. A party to the appeal is entitled to a jury trial on request.

(e) The decision of the county court or county court at law under this section is final and may not be further appealed.

(f) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.

(g) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.

(h) While an appeal under this section is pending, the animal may not be:

(1) sold or given away as provided by Sections 821.023 and 821.024; or

(2) destroyed, except under circumstances which would require the humane destruction of the animal to prevent undue pain to or suffering of the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1351 (S.B. 408), Sec. 11(a), eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 4, eff. September 1, 2011.

Sec. 821.026. CONFLICT OF LAWS. In the event of a conflict between this subchapter and another provision of any other law relating to an appeal of a disposition regarding a cruelly treated animal, including the bond required for that appeal, this subchapter controls.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 5, eff. September 1, 2011.

SUBCHAPTER C. EUTHANASIA OF ANIMALS

Sec. 821.051. DEFINITIONS. In this subchapter:

(1) "Animal" has the meaning assigned by Section 821.001.

(2) "Animal shelter" means a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.

(3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(118), eff. April 2, 2015.

(4) "Department" means the Department of State Health Services.

(5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 1, eff. May 10, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(118), eff. April 2, 2015.

Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may euthanize a dog or cat in the custody of an animal shelter only by administering sodium pentobarbital.

(b) A person may euthanize all other animals in the custody of an animal shelter, including birds and reptiles, only in accordance with the applicable methods, recommendations, and procedures set forth in the edition of the American Veterinary Medical Association Guidelines for the Euthanasia of Animals that is approved by the executive commissioner.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 2, eff. May 10, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1594, eff. April 2, 2015.

Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL. (a) The executive commissioner by rule shall establish the requirements and procedures for administering sodium pentobarbital to euthanize an animal in the custody of an animal shelter.

(b) A person may administer sodium pentobarbital to euthanize an animal in the custody of an animal shelter only in

accordance with the requirements and procedures established by department rule.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1595, eff. April 2, 2015.

Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY COMPRESSED CARBON MONOXIDE. (a) The executive commissioner by rule shall establish:

(1) standards for a carbon monoxide chamber used to euthanize an animal to which Section 821.052(b) applies; and

(2) requirements and procedures for administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies.

(b) A person administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies:

(1) may use only a carbon monoxide chamber that meets the standards established by department rule; and

(2) may administer the commercially compressed carbon monoxide only in accordance with the requirements and procedures established by department rule.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 3, eff. May 10, 2013.

Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A person may not euthanize an animal in the custody of an animal shelter unless the person has successfully completed, not more than three years before the date the person euthanizes the animal, a training course in the proper methods and techniques for euthanizing animals. The training course curriculum must include:

(1) the pharmacology, proper administration, and storage of euthanasia solutions;

(2) federal and state law regulating the storage and

accountability of euthanasia solutions;

(3) euthanasia technician stress management;

(4) proper restraint and handling of an animal during euthanasia;

(5) the procedures for administering commercially compressed carbon monoxide to an animal;

(6) techniques for verifying an animal's death; and

(7) the proper disposal of a euthanized animal.

(b) The department must approve the sponsors and curriculum of the training course required by this section.

(c) This section does not apply to a person licensed to practice veterinary medicine in this state.

(d) Notwithstanding Subsection (a), an employee of an animal shelter is not required to have successfully completed the training course before the 120th day following the date of initial employment.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits an offense if the person violates this subchapter or a rule adopted under this subchapter.

(b) An offense under this section is a Class B misdemeanor.
Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1596, eff. April 2, 2015.

Sec. 821.057. INJUNCTION. A court of competent jurisdiction, on the petition of any person, may prohibit by injunction the substantial violation of this subchapter or a rule adopted under this subchapter.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1597, eff. April 2, 2015.

SUBCHAPTER D. UNLAWFUL RESTRAINT OF DOG

Sec. 821.076. DEFINITIONS. In this subchapter:

(1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(2) "Owner" means a person who owns or has custody or control of a dog.

(3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

(4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.077. UNLAWFUL RESTRAINT OF DOG. (a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

(1) between the hours of 10 p.m. and 6 a.m.;

(2) within 500 feet of the premises of a school; or

(3) in the case of extreme weather conditions, including conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(b) In this section, a restraint unreasonably limits a dog's movement if the restraint:

(1) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;

(2) is a length shorter than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

- (B) 10 feet;
- (3) is in an unsafe condition; or
- (4) causes injury to the dog.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. 1411), Sec. 1, eff. September 1, 2007.

Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply to:

(1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

(2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;

(4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;

(5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

(6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. 1411), Sec. 1, eff. September 1, 2007.

Sec. 821.079. PENALTY. (a) A person commits an offense if the person knowingly violates this subchapter.

(b) A peace officer or animal control officer who has probable cause to believe that an owner is violating this

subchapter shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

(c) A person commits an offense if the person is provided a statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.

(d) A person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. An offense under this subsection is a Class B misdemeanor.

(e) If a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any other law, the clerk of a court that collects a penalty under this subchapter shall remit the penalty collected for deposit in the general fund of the county.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.081. HAND-HELD LEASHES. This subchapter does not prohibit a person from walking a dog with a hand-held leash.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

City of San Angelo

Code of Ordinances



ARTICLE 3.07 CRUELTY TO ANIMALS



Sec. 3.07.001 Definition

In this article, “cruelly treated” includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, water, care, or shelter, cruelly confined, or caused to fight with another animal. (1996 Code, sec. 3.1801; Ordinance adopted 9/18/07 sec. 6; Ordinance adopted 10/6/15)



Sec. 3.07.002 Seizure of cruelly treated animal

(a) If the animal services director or the director’s designee has reason to believe that an animal has been or is being cruelly treated, he may apply to the municipal court for a warrant to seize the animal.

(b) On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court shall issue the warrant and set a time within 10 days of the date of issuance for a hearing in the court to determine whether the animal has been cruelly treated.

(c) The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.

(1996 Code, sec. 3.1802; Ordinance adopted 11/16/99; Ordinance adopted 10/6/15)



Sec. 3.07.003 Hearing; order of sale or return of animal

(a) A finding in county court that the owner of an animal is guilty of an offense under section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Health and Safety Code, section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this section is not admissible in a trial of the owner for an offense under section 42.09, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) Except as provided by subsection (e) of this section, if the court finds that the animal’s owner has cruelly treated the animal, the court shall:

(1) Order a public sale of the animal by auction;

(2) Order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; or

- (3) Order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.
- (e) If the court finds that the animal's owner has cruelly treated the animal and that the animal is farm livestock, the owner shall be divested of ownership and the court shall:
 - (1) Order a public sale of the animal by auction;
 - (2) Order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; or
 - (3) Order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

In this subsection, "farm livestock" means cattle, hogs, sheep, goats, mules, horses, jacks, jennies, or poultry raised or used on a farm or ranch for food or for the production of legal income.

- (f) The court may order that an animal disposed of under subsection (d)(1) or (d)(2) of this article be spayed or neutered at the cost of the receiving party.
- (g) The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.

(1996 Code, sec. 3.1803; Ordinance adopted 11/16/99; Ordinance adopted 10/6/15)



Sec. 3.07.004 Sale or disposition of cruelly treated animal

- (a) Notice of an auction ordered under this article must be posted on a public bulletin board where other public notices are posted for the city. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.
- (b) Proceeds from the sale of the animal shall be applied first to the expenses incurred in caring for the animal during impoundment and in conducting the auction. The officer conducting the auction shall pay any excess proceeds to the municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.
- (c) If the officer is unable to sell the animal at auction, he may cause the animal to be destroyed or may give the animal to a nonprofit animal shelter, pound, or society for the protection of animals.

(1996 Code, sec. 3.1804; Ordinance adopted 11/16/99; Ordinance adopted 10/6/15)

State law reference—Disposition of cruelly treated animals, V.T.C.A., Health and Safety Code, sec. 821.021 et seq.



Sec. 3.07.005 Appeal

(a) An owner of an animal ordered sold at public auction as provided in this article may appeal the order.

(b) While an appeal under this section is pending, the animal may not be sold, destroyed, or given away as provided by Health and Safety Code, sections 821.022–821.024.

(1996 Code, sec. 3.1805; Ordinance adopted 11/16/99; Ordinance adopted 10/6/15)



Sec. 3.07.006 Traps with holding mechanisms

No person shall set up or allow to be set up on his property steel jaw traps, spring traps with “teeth” or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the department of public health in or for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; provided that the owner is responsible for taking care that any of the above-said “rodent” traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human. It shall be a prima facie violation of this section that the traps proscribed herein were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation. (1996 Code, art. 3.1400; Ordinance adopted 11/16/99; Ordinance adopted 10/6/15)

City of San Angelo
Neighborhood & Family Services
Animal Services

Standard Operating Procedure

Animal Control – Cruelty Cases

The City of San Angelo Animal Services division exists to prevent the spread of disease from animals to humans. Furthermore, we aim to ensure the safe care of animals by investigating cruelty cases as prescribed below.

Authority

State Health Code chapter 821 and local ordinance 3.07 governs the treatment of animals in Texas. This law is adopted by the state legislature and may only be changed during a legislative session, which occurs every other year. The current law in its entirety is attached here for your reference.

Procedure

State Health Code chapter 822.021 (attached) defines “cruelly treated” as:

1. Tortured;
2. Seriously overworked;
3. Unreasonably abandoned;
4. Unreasonably deprived of necessary food, care or shelter;
5. Cruelly confined; or
6. Caused to fight with another animal.

Each of these allegations are severe charges and items 3. Unreasonably abandoned and 4. Unreasonably deprived of necessary food, care or shelter are the items most likely to be encountered by animal control. These charges are often reported together as one cruelty incident.

A neighbor, landlord or other witness may call animal services alleging that animals have been cruelly treated.

- If the property owner, such as a landlord, allows you access to the property, enter the property and observe the conditions. Photograph the conditions immediately showing the animal in the

pictures. The property owner may sign a property release form (attached) documenting the animals impounded by animal control.

- If the property owner is not available, check conditions without entering private property.
 - If you believe the animal is in immediate danger of his/her life, request back up from San Angelo Police Department. If a certified peace officer allows you to enter the property, document the conditions quickly with photographs and transport the animals to safety. Once the animals are safe, document the number of animals with a general description and obtain a seizure warrant (example attached) signed by a municipal court judge.
 - If the animal is not in immediate danger, request a second animal control officer to come secure the scene while you write a warrant to seize the animals. Quickly photograph the scene, document the number of animals with a general description and obtain a seizure warrant signed by a municipal court judge.

After the animals are in animal services' care, attempt to contact the owner to notify them of the violation and subsequent action taken. Offer them the opportunity to owner release, or sign away rights, to the animals.

Within one business day, submit the complaint (example attached) and all supporting documentation to the municipal prosecutor.

House the animals at the shelter as prescribed by the court proceedings. The initial seizure warrant allows animal services to hold the animals until the stated court hearing date. If at that hearing the judge conveys the animals to the city's ownership, hold the animals an additional ten days as the owner has the opportunity to appeal the court's ruling.

Once all court proceedings have concluded, conduct a thorough assessment of the animals' health and temperament. If the animals are deemed as adoptable, consider making them available for adoption or transporting them to an eligible facility out of town. If the animals are not adoptable due to health or temperament, consider humanely euthanizing the animals.

Property Release

I, _____, the owner of the property located at _____, San Angelo, Texas do hereby request and give consent for the following animal(s) be removed from the above location.

Description of animal(s): _____

The above described animals have been abandoned by the previous tenants and said tenants no longer have any rights to the above location.

Signature

Print Name

Date

Witnessed by Animal Services Officer

IN THE MUNICIPAL COURT

CITY OF SAN ANGELO

TOM GREEN COUNTY, TEXAS

August 21, 2017

I, Joe Smith, Animal Services Officer for the City of San Angelo, Tom Green County Texas do solemnly swear that I have reason to believe and do believe that twenty-four (24) dogs have been cruelly treated in that said animals have been abandoned. The dogs include seven (7) male infants, four (4) female infants, two (2) female juvenile, four (4) male adult and seven (7) female adult.

Said animals were located at the residence of the complainant, which is within the corporate limits of the City of San Angelo. The animal was owned, maintained or harbored by Mr. John Doe at 123 Main Street San Angelo, Texas.

My belief of the foregoing is based upon the following facts:

Today, August 21, 2017, Animal Services Officer Joe Smith spoke with the property manager who runs the property at 123 Main Street. She complained about twenty-four (24) dogs that had been cruelly treated by unreasonable abandonment and unreasonable deprivation of food and water.

The complainant said that approximately three days ago on August 19, 2017 she observed the noise and odor of multiple dogs at the subject property as well as an insect infestation.

Upon arrival at the subject property, the Officer Smith observed multiple dogs in residence. Twenty-three (23) dogs were located in the living room and one (1) dog was in the kitchen/bedroom. The dogs did not have food or water and inside conditions did not meet with health and safety standards. The apartment was infested with insects and dried feces were evident throughout the floor. There were exposed needles scattered about where dogs were living.

Wherefore, I ask that a warrant to seize said animals be issued in accordance with Section 821.022 of the Health and Safety Code of the State of Texas.

Date filed

Animal Control Officer
City of San Angelo, Texas

Sworn before me this ____ day of ____

San Angelo Municipal Court Judge

In the Municipal Court
Of the City of San Angelo
Tom Green County, Texas

August 21, 2017

WARRANT

THE STATE OF TEXAS, to the Animal Control Authority of the City of San Angelo, Tom Green County, Texas:

Whereas, application in writing, under oath, has been made before me by an Animal Services Officer, a true and exact copy of which is attached hereto and expressly incorporated herein and make a part thereof, stating probable cause for the issuance of the warrant: You are therefore commanded to forthwith seize and impound the animal(s) described in said application which is alleged to be or to have been cruelly treated, and you will also give written notice to Mr. John Doe, the alleged owner of said animal(s), that **a hearing will be held in the Municipal Court**, City of San Angelo, Tom Green County, Texas, on the ____ day of _____, 2017 at ____ o'clock, ____ M. to determine whether the said animal has been cruelly treated in person or by posting said notice at the main entrance to said property.

Herein fail not, and due return make hereof to me at the place above named.

Witness my signature on this the 21st day of August, 2018

Judge of the Municipal Court
City of San Angelo
Tom Green County, Texas

RETURN

Come to hand on the same day issued, and executed on the 21 day of August, 2017, by seizing and impounding the following animal(s) believed to me to be the same animal(s) described in said warrant, to wit: Joe Smith, which said animal(s) I found at 123 Main Street, San Angelo, Tom Green County, Texas, in the possession of the complainant in control of the animal, in obedience to the command of said warrant. Notice was given in person or by posting said notice at the main entrance to the owner's property, located at 123 Main Street.

Animal Services Supervisor

By: _____
Animal Services Officer



Animal Shelter Advisory Committee

January 18, 2018



Cruelty Investigation

- State Health Code 821
- City ordinance 3.07



Cruelty Investigation

- Cruelly treated
 - Unreasonably abandoned
 - Unreasonably deprived of food, care, shelter
 - Tortured
 - Seriously overworked
 - Cruelly confined
 - Caused to fight with another animal



Cruelty Investigation

- If property owner allows access to the property
 - Observe conditions
 - Photograph immediately w/ animal
 - Signed property release form
 - Document animals impound (description, number)



Cruelty Investigation

- If property owner is not available
- If animal is in immediate life danger
 - Request San Angelo Police Department
 - If officer agrees, may enter the property
 - Photograph w/ animal
 - Transport animals to safety
 - Obtain seizure warrant



Cruelty Investigation

- If property owner is not available
- If animal is not in immediate life danger
 - Photograph w/ animal
 - Second animal control officer secures the scene
 - Obtain seizure warrant



Cruelty Investigation

- Attempt to notify the owner
- Offer owner release animal to shelter
- Submit complaint and other documents to municipal prosecutor
- House animals for the time prescribed by court proceedings



Cruelty Investigation

- Initial seizure warrant allows city to house animal until hearing
- Judge may convey animal to city
- Hold animal ten additional days in the event of an appeal



Cruelty Investigation

- Once all court proceedings are concluded, assess health and temperament
- May make available for adoption, transport to an eligible facility or consider euthanasia if not adoptable





Animal Shelter Advisory Committee

January 18, 2018





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

Meeting Date: January 18, 2018

Item type: Regular Item

Caption:

Discussion and possible action related to the animal control procedures for tethering dogs

Summary/History:

Both state health code 821 and city ordinance 3.03 governs practices for the restraint of dogs. Attached are the laws for your reference.

Financial Impact:

N/A

Other Information/Recommendation:

No changes are proposed at this time.

Attachments:

- | | | |
|----|--------------------------|---|
| 1. | City Ordinance | 5D 180118 Animal Control Restraint of Dogs Ordinance.docx |
| 2. | Health & Safety Code 821 | HS 10.821.pdf |
| 3. | Presentation | 5D 180118 Animal Control Restraint of Dogs.pptx |

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwidden
Theresa James

Created/Initiated
Final Approval

City of San Angelo

Code of Ordinances

 ARTICLE 3.03 RESTRAINT OF DOGS*

 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 fifteen 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)

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS

SUBCHAPTER A. TREATMENT OF ANIMALS

Sec. 821.001. DEFINITION. In this subchapter, "animal" includes every living nonhuman creature.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 3.1593, eff. April 2, 2015.

Sec. 821.002. TREATMENT OF IMPOUNDED ANIMALS. (a) A person who impounds or causes the impoundment of an animal under state law or municipal ordinance shall supply the animal with sufficient wholesome food and water during its confinement.

(b) If an animal impounded under Subsection (a) continues to be without necessary food and water for more than 12 successive hours, any person may enter the pound or corral as often as necessary to supply the animal with necessary food and water. That person may recover the reasonable cost of the food and water from the owner of the animal. The animal is not exempt from levy and sale on execution of a judgment issued to recover those costs.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 821.003. TREATMENT OF LIVE BIRDS. (a) This section applies to a person who receives live birds for transportation or for confinement:

(1) on wagons or stands;

(2) by a person who owns a grocery store, commission house, or other market house; or

(3) by any other person if the birds are to be closely confined.

(b) The person shall immediately place the birds in coops, crates, or cages that are made of open slats or wire on at least three sides and that are of a height so that the birds can stand

upright without touching the top.

(c) The person shall keep clean water and suitable food in troughs or other receptacles in the coops, crates, or cages. The troughs or other receptacles must be easily accessible to the confined birds and must be placed so that the birds cannot defile their contents.

(d) The person shall keep the coops, crates, or cages in a clean and wholesome condition and may place in each coop, crate, or cage only the number of birds that have room to move around and to stand without crowding each other.

(e) The person may not expose the birds to undue heat or cold and shall immediately remove all injured, diseased, or dead birds from the coops, crates, or cages.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 821.004. KNOWLEDGE OR ACTS OF CORPORATE AGENT OR EMPLOYEE. The knowledge and acts of an agent or employee of a corporation in regard to an animal transported, owned, or used by or in the custody of the corporation are the knowledge and acts of the corporation.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

SUBCHAPTER B. DISPOSITION OF CRUELLY TREATED ANIMALS

Sec. 821.021. DEFINITIONS. In this subchapter:

(1) "Cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(2) "Nonprofit animal welfare organization" means a nonprofit organization that has as its purpose:

(A) the prevention of cruelty to animals; or

(B) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.

(3) "Owner" includes a person who owns or has custody or control of an animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 1, eff. September 1, 2011.

Sec. 821.0211. ADDITIONAL DEFINITION. In this subchapter, "magistrate" means any officer as defined in Article 2.09, Code of Criminal Procedure, except that the term does not include justices of the supreme court, judges of the court of criminal appeals, or courts of appeals, judges or associate judges of statutory probate courts, or judges or associate judges of district courts that give preference to family law matters or family district courts under Subchapter D, Chapter 24, Government Code.

Acts 2003, 78th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 334 (H.B. 890), Sec. 10, eff. September 1, 2009.

Sec. 821.022. SEIZURE OF CRUELLY TREATED ANIMAL. (a) If a peace officer or an officer who has responsibility for animal control in a county or municipality has reason to believe that an animal has been or is being cruelly treated, the officer may apply to a justice court or magistrate in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal.

(b) On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court or magistrate shall issue the warrant and set a time within 10 calendar days of the date of issuance for a hearing in the appropriate justice court or municipal court to determine whether the animal has been cruelly treated.

(c) The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 1, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Sec. 821.023. HEARING; ORDER OF DISPOSITION OR RETURN OF ANIMAL. (a) A finding in a court of competent jurisdiction that the owner of an animal is guilty of an offense under Section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 42.09 or 42.092, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) If the court finds that the animal's owner has cruelly treated the animal, the owner shall be divested of ownership of the animal, and the court shall:

- (1) order a public sale of the animal by auction;
- (2) order the animal given to a municipal or county animal shelter or a nonprofit animal welfare organization; or
- (3) order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

(e) After a court finds that an animal's owner has cruelly treated the animal, the court shall order the owner to pay all court costs, including:

- (1) the administrative costs of:
 - (A) investigation;
 - (B) expert witnesses; and
 - (C) conducting any public sale ordered by the court; and
- (2) the costs incurred by a municipal or county animal shelter or a nonprofit animal welfare organization in:
 - (A) housing and caring for the animal during its impoundment; and
 - (B) humanely destroying the animal if destruction is ordered by the court.

(e-1) After a court finds that an animal's owner has cruelly treated the animal, the court shall determine the estimated costs likely to be incurred by a municipal or county animal shelter or a

nonprofit animal welfare organization to house and care for the impounded animal during the appeal process.

(e-2) After making the determination under Subsection (e-1), the court at the time of entering the judgment shall set the amount of bond for an appeal equal to the sum of:

(1) the amount of the court costs ordered under Subsection (e); and

(2) the amount of the estimated costs determined under Subsection (e-1).

(e-3) A court may not require a person to provide a bond in an amount greater than or in addition to the amount determined by the court under Subsection (e-2) to perfect an appeal under Section [821.025](#).

(e-4) Notwithstanding any other law, the amount of court costs that a court may order under Subsection (e) and the amount of bond that a court determines under Subsection (e-2) are excluded in determining the court's jurisdiction under Subtitle A, Title 2, Government Code.

(f) The court may order that an animal disposed of under Subsection (d)(1) or (d)(2) be spayed or neutered at the cost of the receiving party.

(g) The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 157, Sec. 1, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 14.43, 14.44, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 886 (H.B. [2328](#)), Sec. 4, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. [963](#)), Sec. 2, eff. September 1, 2011.

Sec. 821.024. SALE OR DISPOSITION OF CRUELLY TREATED ANIMAL. (a) Notice of an auction ordered under this subchapter must be posted on a public bulletin board where other public notices

are posted for the county or municipality. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.

(b) Proceeds from the sale of the animal shall be applied first to any costs owed by the former owner under Section [821.023](#)(e). The officer conducting the auction shall pay any excess proceeds to the justice or municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.

(c) If the officer is unable to sell the animal at auction, the officer may cause the animal to be humanely destroyed or may give the animal to a municipal or county animal shelter or a nonprofit animal welfare organization.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 2, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. [963](#)), Sec. 3, eff. September 1, 2011.

Sec. 821.025. APPEAL. (a) An owner divested of ownership of an animal under Section [821.023](#) may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located.

(b) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the order is issued, the owner must file a notice of appeal and a cash bond or surety bond in an amount set by the court under Section [821.023](#)(e-2).

(c) Not later than the fifth calendar day after the date the notice of appeal and bond is filed, the court from which the appeal is taken shall deliver a copy of the clerk's record to the clerk of the county court or county court at law to which the appeal is made.

(d) Not later than the 10th calendar day after the date the county court or county court at law, as appropriate, receives a copy of the clerk's record, the court shall consider the matter de novo and dispose of the appeal. A party to the appeal is entitled to a jury trial on request.

(e) The decision of the county court or county court at law under this section is final and may not be further appealed.

(f) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.

(g) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.

(h) While an appeal under this section is pending, the animal may not be:

(1) sold or given away as provided by Sections 821.023 and 821.024; or

(2) destroyed, except under circumstances which would require the humane destruction of the animal to prevent undue pain to or suffering of the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1351 (S.B. 408), Sec. 11(a), eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 4, eff. September 1, 2011.

Sec. 821.026. CONFLICT OF LAWS. In the event of a conflict between this subchapter and another provision of any other law relating to an appeal of a disposition regarding a cruelly treated animal, including the bond required for that appeal, this subchapter controls.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 5, eff. September 1, 2011.

SUBCHAPTER C. EUTHANASIA OF ANIMALS

Sec. 821.051. DEFINITIONS. In this subchapter:

(1) "Animal" has the meaning assigned by Section 821.001.

(2) "Animal shelter" means a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.

(3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 3.1639(118), eff. April 2, 2015.

(4) "Department" means the Department of State Health Services.

(5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 1, eff. May 10, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1639(118), eff. April 2, 2015.

Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may euthanize a dog or cat in the custody of an animal shelter only by administering sodium pentobarbital.

(b) A person may euthanize all other animals in the custody of an animal shelter, including birds and reptiles, only in accordance with the applicable methods, recommendations, and procedures set forth in the edition of the American Veterinary Medical Association Guidelines for the Euthanasia of Animals that is approved by the executive commissioner.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 2, eff. May 10, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1594, eff. April 2, 2015.

Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL.

(a) The executive commissioner by rule shall establish the requirements and procedures for administering sodium pentobarbital to euthanize an animal in the custody of an animal shelter.

(b) A person may administer sodium pentobarbital to euthanize an animal in the custody of an animal shelter only in

accordance with the requirements and procedures established by department rule.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1595, eff. April 2, 2015.

Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY COMPRESSED CARBON MONOXIDE. (a) The executive commissioner by rule shall establish:

(1) standards for a carbon monoxide chamber used to euthanize an animal to which Section 821.052(b) applies; and

(2) requirements and procedures for administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies.

(b) A person administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies:

(1) may use only a carbon monoxide chamber that meets the standards established by department rule; and

(2) may administer the commercially compressed carbon monoxide only in accordance with the requirements and procedures established by department rule.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 23 (S.B. 360), Sec. 3, eff. May 10, 2013.

Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A person may not euthanize an animal in the custody of an animal shelter unless the person has successfully completed, not more than three years before the date the person euthanizes the animal, a training course in the proper methods and techniques for euthanizing animals. The training course curriculum must include:

(1) the pharmacology, proper administration, and storage of euthanasia solutions;

(2) federal and state law regulating the storage and

accountability of euthanasia solutions;

(3) euthanasia technician stress management;

(4) proper restraint and handling of an animal during euthanasia;

(5) the procedures for administering commercially compressed carbon monoxide to an animal;

(6) techniques for verifying an animal's death; and

(7) the proper disposal of a euthanized animal.

(b) The department must approve the sponsors and curriculum of the training course required by this section.

(c) This section does not apply to a person licensed to practice veterinary medicine in this state.

(d) Notwithstanding Subsection (a), an employee of an animal shelter is not required to have successfully completed the training course before the 120th day following the date of initial employment.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Jan. 1, 2005.

Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits an offense if the person violates this subchapter or a rule adopted under this subchapter.

(b) An offense under this section is a Class B misdemeanor.
Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1596, eff. April 2, 2015.

Sec. 821.057. INJUNCTION. A court of competent jurisdiction, on the petition of any person, may prohibit by injunction the substantial violation of this subchapter or a rule adopted under this subchapter.

Added by Acts 2003, 78th Leg., ch. 30, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1597, eff. April 2, 2015.

SUBCHAPTER D. UNLAWFUL RESTRAINT OF DOG

Sec. 821.076. DEFINITIONS. In this subchapter:

(1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(2) "Owner" means a person who owns or has custody or control of a dog.

(3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

(4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.077. UNLAWFUL RESTRAINT OF DOG. (a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

(1) between the hours of 10 p.m. and 6 a.m.;

(2) within 500 feet of the premises of a school; or

(3) in the case of extreme weather conditions, including conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(b) In this section, a restraint unreasonably limits a dog's movement if the restraint:

(1) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;

(2) is a length shorter than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

- (B) 10 feet;
- (3) is in an unsafe condition; or
- (4) causes injury to the dog.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. 1411), Sec. 1, eff. September 1, 2007.

Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply to:

- (1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

- (2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

- (3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;

- (4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;

- (5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

- (6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. 1411), Sec. 1, eff. September 1, 2007.

Sec. 821.079. PENALTY. (a) A person commits an offense if the person knowingly violates this subchapter.

(b) A peace officer or animal control officer who has probable cause to believe that an owner is violating this

subchapter shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

(c) A person commits an offense if the person is provided a statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.

(d) A person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. An offense under this subsection is a Class B misdemeanor.

(e) If a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any other law, the clerk of a court that collects a penalty under this subchapter shall remit the penalty collected for deposit in the general fund of the county.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.

Sec. 821.081. HAND-HELD LEASHES. This subchapter does not prohibit a person from walking a dog with a hand-held leash.

Added by Acts 2007, 80th Leg., R.S., Ch. 674 (H.B. [1411](#)), Sec. 1, eff. September 1, 2007.



Animal Shelter Advisory Committee

January 18, 2018



Restraint of Dogs

- State Health Code 821.077
- City ordinance 3.03.002



Restraint of Dogs

- City ordinance:
- Unlawful to tether a dog for longer than two hours in a 24-hour period except
 - Dog must be restrained by a leash while being walked outside of an enclosed area
 - May be tethered at a camp
- May have fifteen days to become compliant



Restraint of Dogs

- State law:
- Unlawful to tether
 - Between the hours of 10pm and 6am
 - Within 500 feet of school property
 - In extreme weather conditions
- Unreasonable restraints include choke collars, short tethers, in poor condition or injures the dog



Restraint of Dogs

- State law:
- Exceptions include
 - Running line
 - Camping
 - Training
 - Working with livestock or agriculture





Animal Shelter Advisory Committee

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