

**AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL CITY COUNCIL TOWN HALL MEETING**

January 17, 2012

7:00 P.M.

NOTICE IS HEREBY GIVEN THAT A SPECIAL WINDCREST CITY COUNCIL TOWN HALL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 17th DAY OF JANUARY, 2012 STARTING AT 7:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance & Invocation

The City Council will conduct a forum of City Council members, Windcrest Staff Members and the Public concerning possible revisions to Chapter 3, Animal Control, of the Windcrest City Code of Ordinances. There will be discussion among those present about the status of animal control in the City and the benefits of changes, if any, to the current City Code. There will be no formal action taken by the City Council at the meeting.

II. Presentation

1. Cathe Eldredge-Graczyk, Alamo Heights Animal Control Officer, will provide a presentation regarding Animal Control in Alamo Heights.

III. Discussion

1. City Council will discuss Chapter 3, Animal Control of the Windcrest City Code of Ordinances, Sections 3.0 – 3.6 (Att. 1) plus Section 3.8. (Att. 2)

IV. Presentation

1. Cathe Eldredge-Graczyk, Alamo Heights Animal Control Officer, will present the Alamo Heights Trap-Neuter-Return Program.
2. Jenny Burgess of the San Antonio Feral Cat Coalition will discuss the Trap-Neuter-Return Program.

V. Discussion

1. City Council will discuss Chapter 3, Animal Control of the Windcrest City Code of Ordinances, Section 3.7, Trap-Neuter-Return Program. (Att. 3, 4, 5)

VI. Adjournment

Agenda Notice

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on January 17, 2012.

By: Matthew Weidenbach City Secretary

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Heather Weidenbach, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ January, 2012.

Title: _____

CHAPTER 3 ANIMAL CONTROL

CHAPTER 3

ANIMAL CONTROL

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CHAPTER 3 ANIMAL CONTROL

Subchapt 3.000 Definitions

As used in this Chapter, unless the context otherwise dictates,

1. **ABANDONED ANIMAL** – animal which has been deserted, relinquished, or forsaken by its owner or which has no apparent owner.
2. **ANIMAL** – ~~living vertebrate or invertebrate, domestic or wild, not including man.~~ every living dumb creature.
3. **ANIMAL CONTROL OFFICER** – person who is not a peace officer, who completes the basic animal control course **in accordance with Title 10, Texas Health and Safety Code Chapter 829.002** ~~with, completes a training course on or before June 30, 2008, and completes 30 hours of continuing education under Title 10, Health and Safety Code, Chapter~~ during each three-year period
4. **ANIMALWASTE** - excrement or feces of any animal.
5. **AT LARGE** – animal off the premises of the **owner** and not under the control of the owner or his employee or agent by means of a leash, chain, rope, or cord ~~or such other personal presence and attention as will reasonable control a dog's and cat's actions and conduct.~~
6. **CAT** – male or female of the feline species, whether altered or not.
7. **COMMUNITY CATS** – group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.
8. **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 and any subsequent revisions made by the State. (definition from Subchapter B, Disposition of Cruelly Treated Animals from Health and Safety Code, Chapter 821.)
9. **DOG** – male or female of the canine species, whether altered or not.
10. **DOG AND CAT LICENSE** - printed or written permission issued by the ~~Animal Control Officer~~ **City** authorizing the holder to keep a dog and/or cat within the City.
11. **DOG AND CAT LICENSE TAG** – ~~metal~~ tag of a design prescribed by the ~~Animal control Officer~~ **City** and bearing the corresponding number of the dog or cat license.
12. **EAR-TIPPING** – straight line cutting of the tip of the left ear of a feral cat done while the cat is anesthetized **for spaying and neutering.**

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13. **EUTHANIZE** - the painless and merciful ending of an animal's life in accordance with Texas Statute, Health & Safety Code, Chapter 821, Subchapter C.
14. **FERAL/ABANDONED CAT** – cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication **or which exists without owner** ~~The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans.~~
15. **FERAL CAT CAREGIVER** (May also be called Community Cat Caregiver) – volunteer, uncompensated person who agrees to facilitate the trap-neuter-return program in accordance with this chapter and any rules and regulations established by the ~~Animal Control Officer~~ **City Council**.
16. ~~FERAL CAT COLONY – a group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non feral cats that congregate with a colony shall be deemed a part of it.~~
17. **Impoundment Facility** - a facility that keeps or legally impounds stray, homeless, or unwanted animals in accordance with Texas Health Code 823.001.
18. **OWNER** – any person, persons, ~~firm, association or corporation or~~ **entity who owns or has custody or control of an animal.**
19. **QUARANTINE** – to detain or isolate **due to a suspicion** of suspected ~~contagion~~ **rabies**.
20. **TRAP-NEUTER-RETURN (TNR) PROGRAM** – program **under** ~~pursuant to~~ which feral or **abandoned** cats are trapped, evaluated, neutered or spayed, vaccinated against rabies and returned to the areas ~~which~~ **where** they congregate.
21. **VICIOUS ANIMAL** ~~—any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of human beings or domestic animals; Any animal which, without provocation, has attacked or injured a human being or domestic animal; Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed or has tendencies to attack or to bite human beings or other animals~~

Any animal that according to the records of an appropriate authority has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; has more than once severely injured or killed a domestic animal while off the owner's property; has been used primarily or in part for the purpose of fighting or is an animal trained for fighting.

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Subchapt.3.100 DOGS AND CATS

Sec. 3.102 LICENSE AND REGISTRATION REQUIRED

1. The owner of any dog or cat over ~~three (3)~~ four (4) months of age shall license and register such ~~owner's dog and~~ or cat within 60 days of residency or acquisition of pet. ~~Renewal registration shall be annually in January or February of every year. Dog and/or cat licenses shall be issued by the Animal Control Officer or his representative City upon payment of a license fee for each dog or cat that has been spayed or neutered. Any owner of a dog or cat that has not been spayed or neutered shall pay a non-sterilized license fee. The owner shall state at the time application is made for such license and upon forms provided for such purposes, his name and address, and name, breed, color and sex of each dog and/or cat. Non-resident owners of dogs and/or cats who temporarily bring their dogs and/or cats within the City are exempt herefrom. The license tax-fee for sterilized animals may be waived if the owner shows proof that the dog or cat has a microchip implanted.~~
2. ~~Any person whose female dog or cat has a litter shall obtain a litter permit prior to or within ten (10) business days of the litter's birth.~~
3. ~~The issuance of a permit authorizes the whelping of no more than one (1) litter per female dog or cat in any 12-month period.~~
4. ~~No person may offer any puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the department).~~
5. This section does not apply to Caregivers of Community Cat Colonies.

Sec. 3.103 VACCINATION

It shall be unlawful for the owner of any dog ~~and/or~~ cat, to keep, maintain, or harbor such dog ~~and/or~~ cat unless it shall have been vaccinated against rabies by a licensed veterinarian at the owner's expense. Such vaccines ~~shall~~ **may** be of the ~~one (1) or three (3)~~ year variety. Before any dog ~~and/or~~ cat license shall be issued by the ~~Animal Control Officer~~ **City**, the owner must present a valid certificate issued by a licensed Veterinarian. ~~A valid certificate is one that is either dated in the calendar year for which the license is being issued or dated within the preceding ninety (90) days. Animals sent to another facility as approved by the Animal Control Officer need not be vaccinated or be required to have a microchip implant prior to being sent to that facility.~~

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Sec. 3.104 TAG AND COLLAR

1. Upon payment of the license fee, the ~~Animal Control Officer or his representative~~ **City** shall issue to the owner, a license ~~certificate~~ **receipt** and a ~~metallie~~ tag for each dog and/or cat so licensed. ~~The shape of the tag shall be changed every year and shall have a stamp thereon showing the year for which it was issued and the number corresponding with the number on the certificate.~~
2. Every owner shall be required to provide each dog and/or cat with a collar and tag and it shall be constantly worn. An owner of a dog or cat can choose to have a microchip implanted under the skin of the animal ~~performed at a veterinary hospital~~, in lieu of **wearing** license tags. The microchip implant does not exempt the owner of the animal from registration.
3. In the event a dog and/or cat tag is lost or destroyed, a duplicate will be issued by the ~~Animal Control Officer or his representative~~ **City** upon presentation of a receipt showing the payment of the license fee for the current year and an **additional fee** ~~payment of a two dollar (\$2.00) fee for such duplicate.~~ Dog and/or cat tags shall not be transferable from one dog and/or cat to another and no refund shall be made on any dog and/or cat license fee because of death of the dog and/or cat or the owner's leaving the City before expiration of the license. ~~An owner of a dog or cat can choose to have a microchip implanted under the skin of the animal performed at a veterinary hospital, in lieu of license tags. The microchip implant does not exempt the owner of the animal from registration.~~

Sec. 3.105 IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog and/or cat found ~~running~~ at large contrary to the provisions of this Chapter and to impound such dog and/or cat in a ~~designated veterinary hospital/quarantine~~ **the City's Impoundment Facility** ~~at his discretion~~ **until the owner can be found or for the impoundment period.** Any animal impounded shall be given proper and humane care and maintenance. The Animal Control Officer shall require the operator of the ~~subject designated veterinary hospital/quarantine~~ **City's Impoundment Facility** receiving any dog and/or cat pursuant to the provisions of this Chapter to make a complete registry, entering the breed, color and sex of such dog and/or cat and whether licensed **or microchipped**. If licensed, he shall enter the name and address of the owner and the number of the license tag **or microchip**.

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Sec. 3.106 POSTINGS/SCANNING

1. Before the animal is impounded, the Animal Control Officer will take a photograph of the animal and such photograph will be posted on the City's website as soon as feasible, but not more than twenty-four (24) hours after capture. The photograph will also appear on the Found Animal Notice that is to be posted on the doors at City Hall.
2. The Animal Control Officer will scan the animal for an owner identification microchip and if located, record all information on an Animal Retrieval Form.
3. In order to safeguard the animals, additional checking for a microchip will be conducted by the City's Impoundment Facility and if found, reported back to the Police Communication Office with the corresponding case number.

Sec. 3.107 NOTICE TO OWNER AND REDEMPTION

~~Not later than five (5) days after the impounding of any dog and one (1) day for any cat, the owner shall be notified, or if the owner of the dog and/or cat is unknown,~~

1. Within 24 hours of capture of any dog, the owner, if the owner can be determined, shall be notified. Written notice, including a picture of the animal dog, shall be posted for five (5) days for dogs and one (1) day for cats at a conspicuous place in the City Hall describing the dog and/or cat impounded. At the same time, such notice shall also be posted on the City's designated web site. Attempts shall be made to notify area veterinary hospitals, and pet shops, and animal websites by e-mail or fax of the impounded animal.

2. The owner may reclaim such dog and/or cat upon payment of:

- a. license fee (if unpaid),
- b. administrative animal control fee to the City written for dog being at large for the impounding of said dog and/or cat, and
- c. all boarding charges due the City's designated veterinary hospital/quarantine Impoundment Facility.

~~Before releasing the animal, a microchip shall be implanted by the veterinarian and such cost paid for by the owner.~~

3. The first time a dog and/or cat is reclaimed, no administrative animal control fee will be charged. The waiving of this fee shall only apply once for address. The second time a dog and/or cat is reclaimed by its owner, an administrative animal control fee will be charged, fifty dollars (\$50.00, and each subsequent time a dog and/or cat is reclaimed by its owner the administrative animal control fee will increase. by \$25.00.

Should said owner fail to pay such charges and/or refuse to claim the animal, he/she shall be charged with abandonment and adjudicated accordingly. In the case of feral cats, they shall spayed or neuter and return to their colony after the required recovery period assisted by the feral cat caregiver.

4. Owners of impounded animals may arrange for the release of their animal(s) during business hours (8am to 5pm) from the Police Communication Office. Animals will be released to owners with appropriate proof of ownership during the business hours of the City's Impoundment Facility. All costs incurred for the impoundment of an animal are the responsibility of the animal's owner. Owners of animals not having current rabies vaccination or written proof of current rabies vaccination will be required to

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provide a deposit to the City. This will allow the owner to take their pet and get the proper immunization. This immunization shall be completed in ten (10) business days, unless there is a statement from a veterinarian that immunization will endanger the health of the animal. After proof of immunization, the owner will be refunded their deposit .

5. Microchipping of the pets will be required after the second impoundment.

6. The Animal Control Officer will require proof of ownership. Proof of ownership may include a valid animal license, veterinary records, registered microchip identification or other reliable documents such as home photographs or other verifiable documentary evidence. If ownership cannot be proven by the required information, the animal in question must be adopted rather than redeemed; the person claiming unproven ownership may be afforded the opportunity to adopt the animal.

Sec. 3.108 DISPOSITION OF UNCLAIMED ~~OR INFECTED~~ DOGS/CATS

It shall be the duty of the operator of the ~~designated veterinary hospital/quarantine~~ City's Impoundment Facility to keep all unclaimed dogs and/or cats delivered to it by the Animal Control Officer for a minimum of ~~one hundred twenty (120) hours~~ seven (7) days from the date of notice to the owner or the posting of notice. If after the expiration of ~~one hundred twenty (120) hours~~ seven (7) days from the date of notice to the owner or the posting of notice, such dogs and/or cats shall not have been redeemed, they may be disposed of by ~~sale, adoption or destruction~~ adopted, fostered, transferred to an adoption shelter if an adoption shelter is available, or humanely euthanized by a licensed veterinarian or an Animal Control Officer certified in euthanasia; provided, however, if the end of the ~~one hundred twenty (120) hours~~ seven (7) day period falls on a national holiday or Saturday or Sunday, the operator of the ~~designated veterinary hospital/quarantine~~ City's Impoundment Facility shall wait until the afternoon of the next ~~normal~~ regular business day. ~~prior to the sale or destruction of such dogs and/or cats.~~

Sec. 3.109 ABANDONMENT

No person, persons, ~~firm, association, or corporation~~ entity, shall abandon any dog and/or cat, which it owns, or has within its custody or control either temporarily or permanently, within the corporate limits of the City of Winderest, Texas; nor shall any person, persons, ~~firm, association, or corporation~~ or entity allow any dog and/or cat, which it owns, or has within its custody or control either temporarily or permanently, to be left without proper food and water within the corporate limits of the City of Winderest, Texas. ~~Control shall include, but not be limited to, the temporary feeding, providing water, and temporary shelter of any dog and/or cat.~~

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Sec. 3.110

INHUMANE TREATMENT

CARE AND KEEPING OF DOGS AND OTHER ANIMALS

~~No person, persons, firm, association, or corporation shall torture, torment, deprive of necessary sustenance, fail to provide adequate shelter unnecessarily or cruelly beat nor needlessly mutilate or kill any animal, nor carry any animal in or upon any vehicle, or otherwise, in a cruel or inhuman manner, nor procure the same to be done, within the corporate limits of the City of Winderest, Texas. As used in this Section, the words "torture" and "cruelly" include every act, omission or neglect whereby unnecessary pain or suffering is caused, permitted or allowed.~~

1. No person shall cruelly treat any dog or animal.
2. An animal owner shall provide his animal with veterinary care when needed to prevent suffering.
3. An animal owner shall provide his animal with humane care and treatment.
4. Animals shall be protected from extremes of the environment including outside temperatures of heat (85 degrees or above), cold (32 degrees or below), and precipitation; this shall include but not be limited to shade, dog house, lean-to, tent, garage or inside the owner's house.
5. No owner of an animal shall abandon such animal at any place or time. If an animal owner has been identified and the owned animal has been impounded by the Animal Control Officer, no owner shall allow the animal to remain in the impoundment facility beyond the seven (7) days for the purpose of abandoning the animal or adopting the animal at a lower cost than the fine/fee(s).

Sec. 3.111

VICIOUS ANIMAL

~~It shall be unlawful for any keeper of any vicious animal to permit any such animal to run be at large regardless of any other provision contained in this Chapter. Prosecution of any such owner of a vicious animal may be instituted in Municipal Court by any person filing a sworn complaint charging such owner with allowing or permitting a vicious animal to run at large, that such animal has bitten or attempted to bite or attacked or attempted to attack any person in a vicious manner, it appearing that the person so bitten or attacked or attempted to be attacked in a vicious manner was not at the time of such attack trespassing inside the home of the owner or within the enclosure of the animal and was not otherwise at fault.~~

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Sec. 3.112 DOGS AND CATS RUNNING AT LARGE

It shall be unlawful for any person owning any dog ~~and/or cat~~ to permit it to be outside of such owner's ~~fenced~~ premises ~~or other enclosure~~ upon the streets, alleys or other public places of the City, unless the dog ~~and/or cat~~ shall be at all times under the control of the owner or his employee or agent by means of a leash, chain, rope or cord of sufficient strength to control the actions of said dog. ~~and/or cat. or such other personal presence and attention as will reasonably control its actions and conduct. Prosecution of any such owner for the offense described herein may be instituted in Municipal Court by any person filing a sworn complaint charging such owner with such offense.~~ When an unattended dog is found to be on unfenced private or public property without proper leashing, the Animal Control Officer shall have the authority to retrieve the dog on said property. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit the domesticated cat to roam. ~~unsupervised.~~

Subchapt. 3.200 ~~DOMESTIC ANIMALS, KEEPING OF DOGS, CATS, AND OTHERS~~ OWNERSHIP OF ANIMALS

Sec. 3.201 RESTRICTIONS

A. It shall be unlawful:

~~1. For any person or persons to maintain or keep, in the aggregate, more than four (4) adult dogs and/or cats on premises within the corporate limits of the City of Winderest, Texas. (Moved to Section 3.203)~~

~~2. For any person or persons to maintain or keep on premises within the corporate limits of the City of Winderest, Texas more than the number of adult dogs and/or cats designated by the City Council in the a variance granted to such person or persons.~~

~~As used in this Section, the word "adult dogs and/or cats" mean a dog and/or cat that is six (6) months or older.~~

3. For any person to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place.

4. For any person to display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market festival, park, community center or outdoor public place.

(This section shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals or any recognized rescue organization which is currently registered with the department.) Any animal being sold, traded, bartered, leased, rented, or being given away on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place shall be subject to seizure and impoundment at the discretion of the investigating Animal Control Officer and shall be subject to adoption, rescue, foster or humanely euthanized at the discretion of the City Manager if not timely redeemed by

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payment of applicable impoundment fees for each animal impounded within the impoundment period as set out in this Code

5. To expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions and in tamperproof bait stations. It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any warm blooded animal or human; no intent or further culpable mental state shall be required to prove a prima facie violation.

6. To 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, snares, 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 State Director of 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; except 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 in this section 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.

7. To transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles and jeeps), the animal shall be confined by a vented container or cage or canine safety belt.

8. To leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any Animal Control Officer or Police Officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said neglected or endangered animal shall be impounded.

9. To strike an animal with a vehicle resulting in injury to the animal, and leave the scene without rendering aid and assistance in the care of such animal if such action can be taken with reasonable safety. If aid cannot be rendered safely, immediately call the police who will dispatch Emergency Animal Control.

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B It shall be lawful

1. To set up on his own property humane traps used to capture dogs, cats, and other small animals alive which must be sheltered and shall be checked at least once every two (2) hours or every eight (8) hours if left overnight by the individual setting the trap. Humane care shall be provided for any trapped animals including the provision of food, water and protections from extremes of the environment including heat, cold and precipitation. Trapped dogs or cats bearing identification and/or city registration shall be turned over to the Animal Control Department or the animal's owner.

Sec. 3.202 KEEPING OF NEWBORN OFFSPRING

The keeping by any person of newborn offspring of dogs and/or cats authorized hereby for a period of six (6) months shall not constitute a violation of this Subchapter. A Litter Permit is required.

~~Sec. 3.203 VARIANCE; MAXIMUM AUTHORIZED; AUTHORITY OF CITY COUNCIL TO REVOKE~~

~~The City Council, upon application for variance to Section 3.201 as hereinafter provided, may grant or deny, in whole or in part, an application for variance to Section 3.201 of this Code.~~

~~The City Council, upon granting a variance to Section 3.201 of this Code shall designate the number of adult dogs and/or cats authorized to be maintained or kept by the variance granted, but in no event shall the number of adult dogs and/or cats authorized by the~~

~~granting of the variance to Section 3.201 of this Code. exceed, in the aggregate, six (6) adult dogs and/or cats.~~

~~The City Council, after notice to the person or persons granted a variance to Section 3.201 of this Code, and after conducting a hearing thereon, may revoke the variance granted to such person or persons.~~

~~1. The notice shall be:~~

- ~~A. In written form,~~
- ~~B. Addressed to the person or persons,~~
- ~~C. Specify the purpose of the notice,~~
- ~~D. Designate the time, date, and place of the hearing to consider revoking the variance granted to such person or persons.~~
- ~~E. Reason for revocation.~~

~~2. The notice shall be mailed to the address of the person or persons by certified mail return receipt requested.~~

~~The decision of the City Council considering the revocation of the variance granted to the~~

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~~person or persons shall be attached to the person's or persons' application for variance to Section 3.201 of the Code and be maintained on file in the office of the City Secretary in accordance with the record keeping practices of that office.~~

~~Sec. 3.203.1 APPLICATION FOR VARIANCE; PROCEDURE~~

~~Any person desiring to maintain or keep in the aggregate more than four (4) adult dogs and/or cats within the corporate limits of the City of Winderest, may file a written application with the City Secretary of the City of Winderest, Texas, requesting the City Council to grant his written application for variance to Section 3.201.~~

~~The written application must contain the following information:~~

- ~~1. The name(s) and address (es) of the person(s) making such application for variance;~~
- ~~2. The applicant's reason(s) for requesting the variance.~~
- ~~3. The names and addresses of all homeowners residing within a 200 foot radius of the applicant's property lines;~~
- ~~4. The number of adult dogs and/or cats the applicant desires to maintain or keep in excess of the basic number of adult dogs and/or cats allowed by Section 3.201; and~~
- ~~5. The application must be signed and dated by the applicant.~~

~~A fee of ten dollars (\$10.00) must accompany each application to cover the expense of processing the application and notifying adjacent property owners of the applicant's request for variance to Section 3.201 of the Code.~~

~~The City Secretary, upon receipt of the application for variance and the application fee, shall then do the following:~~

- ~~1. Place such application on the agenda of the regularly scheduled City Council meeting following the next regularly scheduled City Council meeting~~
- ~~2. Notify the applicant of the date such application will be considered by the City Council.~~
- ~~3. Notify by mail all homeowners within a two hundred (200) foot radius of applicant's property lines of the application for variance to Section 3.201 and the date that the City Council will consider the application for variance.~~
 - ~~A. All notices to said homeowners shall be a standardized form and contain a provision requesting that the homeowner indicate his/her consent or objection to the variance application and return such form to the City Secretary on or before the date of the scheduled hearing on the application for variance.~~
 - ~~B. All such returned forms shall be open for inspection at the office of the City Secretary during regular business hours~~

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~~3.203.2 HEARING ON APPLICATION FOR VARIANCES~~

~~The City Council of the City of Windcrest shall hear all applications for variances to Section 3.201 of the City Code at a regularly scheduled Council meeting. The Council, in determining whether to grant or deny a variance application may consider the~~

~~following factors:~~

- ~~1. The size or breed of dogs and/or cats,~~
 - ~~2. The applicant's lot size,~~
 - ~~3. The number of runs or pens,~~
 - ~~4. The neutering of the dogs and/or cats,~~
 - ~~5. The de barking of the dogs,~~
 - ~~6. The applicant's fencing,~~
 - ~~7. The objections to the application from homeowners within a two hundred (200) foot radius of applicant's property lines, and~~
 - ~~8. All other matters deemed relevant by the Council to the application for variance~~
- ~~The decision of the City Council considering the application for variance to Section 3.201 of this Code shall be noted on the application by the City Secretary and thereafter, the application and any attending documents shall be maintained on file in the office of the City Secretary in accordance with the record keeping practices of the office of the City Secretary~~

Section 3.203 MAXIMUM ANIMALS AUTHORIZED AND VARIANCE

- A. It shall be unlawful for any person or persons to maintain or keep, in the aggregate, more than ~~four (4)~~ **six (6)** adult dogs and/or cats on premises within the corporate limits of the City. As used in this Section, the word, "adult dogs ~~and/or~~ cats" mean a dog ~~and/or~~ cat that is six (6) months or older.
- B. The City Council, upon application for variance to Section 3.203A as hereinafter provided, may grant or deny, in whole or in part, an application for variance to Section 3.203 A of this Code. Any person desiring to maintain or keep in the aggregate more than six (6) adult dogs ~~and/or~~ cats within the corporate limits of the City, may file a written application with the City Secretary, requesting the City Council to grant his written application for variance.
- C. The written application must contain the following information:
 1. The name(s) and address of the person(s) making such application for variance,
 2. The number of adult dogs ~~and/or~~ cats the applicant desires to maintain or keep in excess of the basic number of adult dogs ~~and/or~~ cats allowed by Section 3.203 A and whether some or all are sterilized,
 3. A statement of care or recommendation from the applicant's veterinarian(s) or at minimum, the name, address, and telephone number for the applicant's veterinarian.
 4. Any complaints received or citation issued by animal control about animal issues against the applicant listed in the variance application.

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5. Applicant's existing and intended animal housing,
 6. The application must be signed and dated by the applicant.
- D. The City Secretary, upon receipt of the application for variance shall then do the following:
1. Place such application on the agenda of the next scheduled City Council meeting.
 2. Notify the applicant of the date such application will be considered by the City Council.
- E. The City Council, in determining whether to grant or deny a variance application may consider the following factors:
1. Whether the dogs or cats have been spayed or neutered
 2. The applicant's intended animal housing,
 3. Applicant's animal compliance history and any previous complaints or violations of animal ordinances and
 4. Veterinarian's statement of applicant's animal care.

Sec. 3.204 DOMESTIC AND NON-DOMESTIC ANIMAL RESTRICTIONS

~~3.204.1 BOVINES, SHEEP, GOATS, AND EQUINES~~

~~It shall be unlawful to keep bovines, sheep, goats, and equines in, on, or near any premises in the City of Winderest.~~

~~3.204.2 SWINE~~

~~It shall be unlawful to keep any swine within the corporate limits of the City of Winderest, Texas.~~

~~3.204.3 POULTRY~~

~~It shall be unlawful to keep or maintain any poultry on any premises within the city limits of the City of Winderest, Texas.~~

~~3.204.4 PIGEONS~~

~~It shall be unlawful to keep or maintain pigeons on any premises within the city limits of the City of Winderest.~~

~~3.204.5 PEACOCK~~

~~It shall be unlawful to keep or maintain peacocks or pea-hens of any kind within the city limits of the City of Winderest.~~

/It shall be unlawful to keep domestic farm/ranch animals and fowl within the City limits. This includes but is not limited to hooved stock (bovines, sheep, goats, equines, swine,) poultry, pigeons and peacocks. This provision does not preclude the keeping of common indoor pet birds such as canaries, finches and/or parrots.

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~~Subchapt. 3.300 NON-DOMESTIC ANIMALS, KEEPING OR HARBORING~~

~~Sec. 3.301 RESTRICTIONS~~

~~It shall be unlawful for any person to keep or harbor within the corporate limits of the City of Winderest any warm blooded carnivorous animal of a species such as, but not limited to, ape, baboon, bear, or lion which ordinarily lives in a state of nature without the aid or care of man, or to keep or harbor any cold blooded carnivorous animal of a species such as, but not limited to, rattlesnake, constricting snake, alligator, or crocodile, which ordinarily lives in a state of nature without the aid or care of man. Nothing in this provision shall prevent the keeping of fish, spiders, insects, frogs, toads, lizards, snakes of a non-poisonous species, turtles, or non-constricting snake, subject, however, to all other applicable provisions of the City Code of the City of Winderest, Texas.~~

Subchapt 3.300 NON-DOMESTIC/EXOTIC ANIMAL AND REPTILE RESTRICTIONS

It shall be unlawful to keep animal(s) or reptiles that typically are found at a wildlife refuge or zoo within the City limits. This animal/reptile restriction includes but is not limited to carnivorous, non-carnivorous, poisonous, constricting species such as snake, alligator, crocodile, great ape, monkey, bear, big cat, wolf, hoofed mammals, etc. This provision does not preclude the keeping of such pet animals, reptiles or insects as hamsters, gerbils, ferrets, lizards, rabbits, fish, turtles, frogs, spiders or Pot Belly Pigs.

Subchapt. 3.400 ANIMAL CONTROL OFFICER

Sec. 3.401 DESIGNATION OF ANIMAL CONTROL OFFICER

~~The City Council shall create the office of Animal Control Officer to administer the provision of this Chapter. The City Manager shall designate a special officer to be known and designated as the Animal Control Officer, whose duty it shall be to carry out the terms of this Chapter and who shall further be designated as the local health authority for purposes of Subchapter 3.500, Rabies Control, and the Rabies Control Act of 1981, Tex. Rev. Civ. Stat. Ann. Art. 4477-6a, Section 3.02. Other duties of the Animal Control Officer consist of, but are not limited to, the following:~~

- ~~1. Maintaining an Animal Disposition Log;~~
- ~~2. Impounding all retrieved stray animals, sick or injured animals, at a designated holding facility at his discretion;~~
- ~~3. Disposing of dead animals, after removing any identification tags, by placing the carcass in a plastic garbage bag and disposed of accordingly.~~
- ~~4. Filing proper municipal court complaints when violations of City Ordinances are witnessed and appear as a witness if required.~~
- ~~5. Scan any animal impounded for a microchip~~

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The City Council shall create the position(s) of Animal Control Officer(s) to aide and protect the Citizens and the welfare of animals in Windcrest and uphold (in accordance with) the State of Texas Constitution Health and Safety Code, Title 10 and the terms of this City Chapter. The Officer(s) will have successfully completed certification (Animal Control Licensing) from the State of Texas within 6 months of accepting the position and will maintain his/her license in accordance with the continuing education requirements of such license.

Sec 3.402 DUTIES OF ANIMAL CONTROL OFFICER

The Animal Control Officer(s) will carry out his/her duties in accordance with the Texas Department of Health Services Animal Control Officer Basic Training Manual. Duties shall include but are not limited to:

1. Investigating all reports or incidents of animal cruelty.
2. Investigating all reports of biting incidents, animal to human and animal to animal, domestic or non-domestic
3. Removing dead animals from public or private property for the protection of public health and safety and after notifying owners when possible by the use of records, tags, reports and microchips, properly disposing of those dead animals.
4. Issuing violation notices (written warnings, tickets, or citations) and animal control fees, filing of municipal court documents and making court appearances when necessary for violations of this City Chapter or the animal laws of the State of Texas.
5. Capturing lost or stray pets and identifying owners through the use of records, tags, reports and microchips. All animals captured should be transported to the City's Impoundment Facility as soon as capture is complete.
6. Impounding and caring for retrieved dogs at the City's Impoundment Facility and posting pictures and description at City Hall and on the website in accordance with the terms of this Chapter for those animals whose owners cannot be identified.
7. Posting pictures and descriptions at City Hall and the Website for owners seeking their lost pets.
8. Maintaining relationships with rescue, foster and adopting shelter organizations and then transporting pets when space is available after the holding period as described in this Chapter.
9. Requesting verification of City registration from owners of dogs/cats when he/she believes necessary and verifying City registration of captured dogs once owner is known.
10. Maintaining Animal Control Department records in accordance with the guidelines in State of Texas Officer Basic Training – Records Chapter; this would include all adoption, rescue, shelter, and euthanasia records.
11. Maintaining Animal Control equipment, reporting any failures and/or acquiring replacements.
12. If Animal Control believes an animal, wild or domestic, is displaying symptoms of rabies, Animal Control will capture the animal and take it to a veterinarian for evaluation. If the animal is wild and the veterinarian believes it is rabies, the

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animal will be humanely euthanized and the head prepared for delivery to a state

lab for rabies testing and subsequent reporting. In the case of domestic dog or cat this will only be done after exhausting all resources to identify and notify the owner of the animal. Pictures of the animal will be posted and the animal held for the required 5 days in quarantine whenever medically possible for the humane care of the animal.

13. Overseeing the community cat program (TNR) and caregivers in the City.
14. Communicating Animal Control issues and animal education material to the Citizens of Windcrest.
15. Maintaining the Animal Control Department website.

Sec. 3.403 VERIFICATION OF LICENSE CERTIFICATE AND TAG

For the purpose of discharging the duties imposed by this Chapter and to enforce its provisions, the Animal Control Officer ~~or his authorized representative~~ is hereby empowered to request from the owner or the person having in his possession any dog or cat, such dog's or cat's current license certificate and/or ~~metallie~~ tag issued pursuant to Section 3.104 ~~of this Chapter, and the~~ Upon presentation of warning, the owner of the animal has ten (10) business days to present a copy of certificate or tag to the City.

The failure of such owner or person having in his possession any dog or cat to exhibit, upon request, such license certificate and/or ~~metallie~~ tag, shall constitute an offense under this Chapter.

Sec. 3.404 INTERFERENCE WITH DISCHARGE OF ~~WARDEN~~ DUTIES

It shall be unlawful for any person to interfere with, hinder or ~~molest~~ harass the Animal Control Officer ~~or his assistants~~ in the execution or performance of his duty under the provisions of this Chapter. (Ord. No. 91A, 4/12/76)

Sec. 3.405 ANIMAL CONTROL FEE AND CITATIONS FOR VIOLATIONS

For the purpose of enforcing this Chapter, the Animal Control Officer ~~or his authorized representative~~ shall ~~contact a City of Windcrest Police Officer to issue~~ a written warning or citations ~~upon to~~ an owner, as defined in Section 3.101- 3 16, whose animal is found to be in violation of any of the provisions of this Chapter and appear as a witness thereto in Court.

Sec. 3.406 ~~PENALTIES~~

~~Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined a minimum of one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000.00).~~

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~~Subchapter 3.500 RABIES CONTROL~~

~~Sec. 3.501 PURPOSE~~

~~The purpose of this Subchapter is to establish a minimum program to control and eradicate rabies in the City of Winderest. This program shall be administered by the City Council in conjunction with the Animal Control Officer and with the cooperation of the Texas Board of Health, pursuant to the Rabies Control Act of 1981, Tex. Rev. Civ. Stat. Ann. Art. 4477-6a, as it presently exists and is hereafter amended.~~

~~Sec. 3.502 DUTY OF PERSONS HAVING KNOWLEDGE~~

~~Whenever an animal is infected with rabies or suspected of being infected with rabies or has been bitten by an animal known or suspected of being infected with rabies, the owner of the animal or any person having knowledge thereof, shall immediately inform the Animal Control Officer where the animal may be found. (Ord. No. 91A, 4/12/76)~~

~~Sec. 3.503 DUTY OF VETERINARIAN~~

~~It shall be the duty of all veterinarians to report in writing all clinical or suspected cases of rabies under their care, to the Animal Control Officer within twenty-four (24) hours after the animal is admitted to a hospital or visited, giving:~~

- ~~1. Location of the veterinary hospital,~~
- ~~2. Name and address of the owner,~~
- ~~3. Location of the patient,~~
- ~~4. Names and addresses of persons bitten, and~~
- ~~5. A negative statement if no persons were bitten.~~

~~Sec. 3.504 DUTY OF ANIMAL OWNER~~

~~The Animal Control Officer shall serve notice in writing upon an owner of an animal known to have been bitten by an animal known or suspected of being infected with rabies, requiring such owner to have the animal examined and treated at the designated veterinary hospital/quarantine facility within twenty-four (24) hours or have such animal put to death under the supervision of the City Animal Warden.~~

~~Sec. 3.505 RABIES NOTICE~~

~~Whenever an animal is exhibiting any symptoms of rabies or has been bitten by an animal suspected of having rabies, such animal shall be held under observation at the owner's expense for a period of ten (10) days from date of bite in the City's designated veterinary hospital/quarantine facility operated by a licensed veterinarian. No such animal shall be released from observation until a licensed veterinarian certifies that such~~

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~~animal shows no clinical signs of rabies. The owner shall notify the Animal Control Officer of the fact that his animal has been exposed to rabies and, at his discretion; the Animal Control Officer is empowered to have such animal impounded at the designated~~

~~veterinary hospital/quarantine facility. Every owner or other person upon ascertaining an animal is rabid shall immediately notify the Animal Control Officer who shall remove the animal to the designated veterinary hospital/quarantine facility if possible and, if not, to summarily destroy it. (Ord. No. 91, 224, 2/8/71, 12/11/89)~~

Sec. 3.506 ANIMALS WHICH DIE OF RABIES

~~The heads of animals that have died of rabies or suspected of having died of rabies shall be turned over to a licensed veterinarian for dispatch to the nearest Texas Department of Health laboratory for testing. In all such cases of delivery to a licensed veterinarian, the Animal Control Officer shall be notified and provided a written result of the diagnosis. It shall be the responsibility of the owner of the animal to provide such notification and result of the diagnosis. If there is any expense for the service of dispatch or diagnosis, it shall be the obligation of the owner of the subject animal.~~

Sec. 3.507 MUZZLING

~~Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia (rabies), the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog and/or cat to confine it securely on his premises, unless such dog and/or cat has a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog and/or cat running at large during the time of the proclamation shall be seized and impounded. Dogs and/or cats impounded during the period of such proclamation shall, if claimed within ten (10) days, be released to the owner, unless under quarantine, upon payment of the impounding charges provided for in Section 3.106. If unclaimed after that period, such dog/cat may be summarily destroyed.~~

Sec. 3.508 PROCEDURE FOR RABIES BITES

~~Whenever any animal susceptible to having rabies bites a person or another animal, the owner of the biting animal or the person observing the incident shall immediately report the incident to the Police Department. The Police Department shall forward all such reports to the Animal Control Officer for follow up. The animal making the attack shall be quarantined at the City's designated veterinary hospital/quarantine facility operated by a licensed veterinarian or the owner's veterinarian for at least ten (10) days from the date of the bite, exclusive of the date of the bite. In the event that the date for release of the animal is a national holiday or Saturday or Sunday, then the animal will be held until the next normal business day.~~

- ~~1. The violation of observation confinement of the biting animal shall be just cause for seizure and confinement of the animal in the City's designated veterinary hospital/quarantine facility at the owner's expense.~~
- ~~2. No biting animal shall be released from observation unless a licensed veterinarian certifies in writing to the Animal Control Officer that such animal is not showing any symptoms of rabies.~~
- ~~3. Whenever any animal susceptible to having rabies bites a person and the owner or person in control of such animal is unknown, or where the owner or person in control of such animal is known and fails, neglects or refuses to deliver such~~

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~~animal to the City's designated veterinary hospital/quarantine facility as provided by Section 3.504, and such fact is made known to the Judge of the Municipal Court upon Affidavit of a credible person, it shall be the duty of such Judge to~~

- ~~4. issue a Written Order directed to the Animal Control Officer ordering him to seize such animal and deliver it to the City's designated veterinary hospital/quarantine facility instantly.~~
- ~~5. Any person who resists or interferes with the officer in the enforcement of such order may be proceeded against under Section 38.03 of the Penal Code of the~~
- ~~6. State of Texas or by contempt proceedings in Municipal Court or both.~~
- ~~7. The owner of any animal confined in the City's designated veterinary hospital/quarantine facility under the provisions of this Section shall pay board for such animal at the usual and customary rate per day as set by the designated veterinary hospital/quarantine facility.~~

Subchapter 3.500 REPORTING OF ANIMAL BITES AND QUARANTINE PROCEDURES

Sec 3.501 REPORTING OF ANIMAL BITES

It is the responsibility of any citizen with direct knowledge of an animal bite to immediately report the incident to Police Dispatch Office. This duty to report includes biting incidents of domestic animal to human or animal, wild animal to human or domestic animal; whether the citizen is the owner of the animal, the victim or a witness of the biting incident. The report should include the date, time, place of the incident, a detailed description of the offending animal(s), the animal's owner, if known, the victim's name, if known and the reporting citizen's information. If the victim (animal or human) is bitten or skin is scratched open by the teeth of a wild or stray animal it is their responsibility and duty to immediately seek medical care. Please note, in order to test an animal for rabies, the animal must be killed, decapitated, and the head sent to the State laboratory for testing. Whenever possible, our city will quarantine in lieu of killing and testing.

Sec 3.502 INVESTIGATIONS OF BITE INCIDENTS

In accordance with the Texas Health and Safety Code, Chapter 826 Rabies Control Act 1981 and subsequent revisions, it is the duty of the Animal Control Officer, who is also the Local Rabies Control Officer, to investigate all animal bite occurrences within our city. Information regarding the animal's description; current rabies vaccination date; owner's name, address and telephone number; the name of the animal; the address and telephone number of person bitten; and location of wound, shall be recorded. Victim, owner and/or witnesses to the event shall be interviewed. Exact identification of the offending animal is imperative. Observation, quarantine or testing of the wrong animal is useless to the victim and the efforts of rabies control.

Whether the bitten victim is an animal or a person, the Animal Control Officer will obtain copies of current rabies vaccination from the offending animal's owner and provide a copy

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to the victim. The Animal Control Officer will keep the bite victim informed as to the health of the offending animal during the quarantine period or the results of laboratory testing.

Sec 3.503 DOMESTIC ANIMAL QUARANTINE

A. Owned Animals

1. It shall be the duty and responsibility of the owner of the animal that has bitten or that has been bitten to have such animal impounded at a veterinarian hospital or relinquish the animal to animal control for impoundment for a period of 10 days. If, however, the owner can evidence that such animal has been inoculated against rabies within the time prescribed by law prior to the biting, such animal shall be confined on the premises of its owner and in a manner which shall prohibit such animal from biting any other animal or person for a period of ten days.
2. It further shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of impoundment or confinement or as soon thereafter as possible; provided, that the impoundment or confinement of the animal described above shall not be terminated until examination by a veterinarian. All charges for impoundment and veterinary exams shall be at the expense of the owner. Prior to release from quarantine, the owner shall furnish evidence of these exams to Animal Control for the file.
It shall be unlawful for the owner of any animal, when notified that the animal has bitten any person to sell, euthanize, inoculate, or give away the animal or to permit or allow the animal to be taken out of the County area.

B. Stray Animals

If the bite is caused by a stray domestic animal, Animal Control shall impound and hold in quarantine for a period of 10 days from the date of the bite or the date of capture for the purpose of rabies observation.

Sec 3.504 EXCEPTIONS TO DOMESTIC ANIMAL QUARANTINE

The offending animal will be euthanized after notice to owner and sent for pathological testing if:

- A. the animal previously determined to be vicious bites again and does not have proof of current rabies vaccination, the Animal Control Officer after notice to the owner shall obtain an order from the court and have the animal humanely destroyed and tested by a state laboratory for rabies.
- B. the animal attack has caused death of a human not on premises of owner or
- C. the animal is showing clinical signs of rabies as determined by the owner's (if the owner chooses) or city's veterinarian.

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Sec 3.505 DISPOSITIONS OF WILD ANIMALS WHICH HAVE BITTEN

Any wild animal that bites any person or directly exposes any person to its saliva that can be positively identified as the offending animal shall be humanely killed in accordance with Texas Health & Safety Code, Chapter 821 and submitted to the State diagnostic laboratory for rabies testing by Animal Control. Killing and subsequent testing of the wrong animal is useless and dangerous to the treatment of the victim. If during the incident the victim traps or kills the animal, it shall be immediately surrendered to Animal Control for preparation and testing by calling Police Communication Office.

Sec. 3.506 ANIMALS WHICH DIE OF RABIES

The animals that have died of rabies or suspected of having died of rabies shall be turned over to Animal Control or a licensed veterinarian for dispatch to the nearest State diagnostic laboratory for testing.

Sec 3.507 MUZZLING

Due to the risk of hyperthermia, it shall be unlawful to muzzle an animal without constant supervision if temperatures are predicted to exceed 75 degrees. Any muzzle used shall, by its design, allow the animal to open its mouth, pant, drink water, not interfere with its vision and not cause injury to the animal. Muzzling of any snub-nosed animal is discouraged. A Gentle Leader or Halti is not considered a muzzle.

Subchapt. 3.600 ANIMAL WASTE DISPOSAL

Sec. 3.601 DEFINITIONS

~~1. OWNER, as used in this Subchapter shall mean either:~~

~~A. The owner of any animal including, but not limited to a dog or cat, which is located within the corporate limits of the City of Winderest, or~~

~~B. Any other person, firm, association, or corporation which has within his, her, or its control, either temporarily or permanently, any animal, including, but not limited to, a dog or cat, which is located within the corporate limits of the City of Winderest.~~

~~C. 2. ANIMAL WASTE, as used in this Subchapter, shall be intended to mean the excrement or feces of any animal.~~

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Sec. ~~3.602~~ WASTE DISPOSAL

1. It shall be unlawful for the owner of any animal to allow his animal's waste to be deposited and remain upon any private property, public street, roadway, sidewalk, easement, alleyway, recreational area, or drainage ditch within the corporate limits of the City.
2. It shall not be a defense to a violation of Section ~~3.602~~ **3.600** that the owner had no knowledge of the commission of the violation.

Subchapter 3.700 COMMUNITY CAT TRAP-NEUTER-RETURN PROGRAM

In order to effectively and humanely control feral community cat populations within its jurisdictional boundaries, the city shall sponsor a Trap-Neuter-Return Program. ~~in an effort to reduce the feral cat population over time without the necessity of wholesale capture and euthanization. The city may establish a fund or provide services to off set the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to a appropriate, controlled, protected, and authorized colony site;~~ **Registered** Caregivers for colonies, whether one (1) or several feral **community** cats, may be aided by the city in providing traps, and transportation to spay/neuter facility. ~~and off setting costs, to the extent the funding is available~~ **Left** Ear tipping shall be used on feral **these** cats in order to be identified as spayed or neutered and a vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats. This is part of the City Trap-Neuter-Return Program **and maintained by the Registered Caregiver.**

Sec 3.701 REGISTERED CAREGIVERS

~~Caregivers of feral cat colonies shall be registered with the city, and shall implement proper management and sterilization practices, and seek the assistance of the Animal Control Officer in order to:~~

- ~~1. Sterilize (spay/neuter) all adult cats that can be captured.~~
- ~~2. Vaccinate, as required by law, all cats that can be captured against rabies with a three (3) year vaccine and against any other infectious disease as may be mandated by law.~~
- ~~3. Make every attempt to remove kittens for the colony before eight (8) weeks of age for domestication and placement.~~
- ~~4. Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or humane euthanasia.~~
- ~~5. Assure responsibility and arrangement for feeding the cat colony regularly throughout the year. Feeding of feral colonies by a caregiver shall not constitute a violation of this chapter.~~

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Registered Caregivers shall attend one of the San Antonio Feral Cat Coalition workshops, and shall provide information about the colony to the Animal Control Officer. Caregivers of a community cat or community cat colony shall be exempt under the provisions of License Requirements and Animal Identification requirements by furnishing the Animal Control with a signed statement agreeing to the following conditions:

1. Regularly feed the community cat colony including weekends and holidays insuring sanitary conditions at all times. Colonies shall be fed using bowls, plates, pans or a similar utensil to contain the food; food shall not be poured on the ground for the purpose of providing food. Food shall not be left out during hours of darkness to avoid attracting wildlife or vermin.
2. Regularly and frequently trap the community cats over the age of twelve (12) weeks for purposes of sterilization.
3. Identify all community cats by tipping their left ears when under anesthesia for sterilization.
4. All community cats must be vaccinated for rabies with a 3 year vaccine.
5. All community cats with illness and/or injury that cannot be provided with treatment shall be humanely euthanized by a veterinarian to prevent pain and suffering.
6. Caregivers are not permitted to release community cats onto private or public property without the permission of property owner.
7. Any caregiver determined to be in violation of Section 9(C) shall be issued a written warning and be permitted up to and including thirty (30) days compliance. Failure to comply may result in the issuance of a citation.

Sec 3.702 ANIMAL CONTROL OFFICER

The Animal Control Officer shall maintain all records relating to authorized managed **community** colonies in the City Trap-Neuter-Return program. ~~to include list of authorized care givers, sterilization, vaccination, ear tipping, and medical care records.~~

Other duties shall include:

1. ~~Authorization of~~ **Monitor the managed feral community** cat colonies in the City Trap-Neuter-Return program, **maintaining records of Registered Caregivers and determining the need of additional Caregivers.**
2. Help to resolve complaints over the conduct of a colony ~~caregiver or of cats with a managed colony.~~
3. Maintain records and prepare ~~monthly~~ **quarterly** reports on the following:
 - a. Number **and location** of managed colonies in the City;
 - b. Total number of cats in colonies;
 - c. Number of cats and kittens spayed and neutered pursuant to the Trap-Neuter-Return program; and
 - d. Number of cats and kittens placed in permanent homes.

CHAPTER 3 ANIMAL CONTROL

~~Other Trap Neuter Release (TNR) providers must register with the City Manager or the Animal Control Officer prior to setting up traps or providing any other service to any citizens of the City of Winderest, Texas. After receiving the permission of the Community Cat Caregiver or a resident, the Animal Control Officer may set up traps in the Caregiver's yard to assist in trapping.~~

Sec. 3.702 **3 ENFORCEMENT**

The city shall retain the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease;
2. The right to seize/remove a cat from a colony that is creating a nuisance after the caregiver has been afforded thirty (30) days to remove and relocate the cat and has failed to do so; and
3. The right to seize and remove a colony of cats when a caretaker ~~and/or~~ **Animal Control Officer** are unable to provide care and management of the colony and have not been able to obtain a replacement or substitute caregiver.
4. ~~When the number of cats trapped and sterilized by the City exceeds 400 in a year, the City will reevaluate this program.~~

Subchapter 3.800 **PENALTIES**

~~Any owner who shall violate any provision of this Subchapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in accordance with Section 1.301 of this Code.~~

Sec 3.801 **UNLAWFUL ACTS; CRIMINAL PENALTIES; CIVIL REMEDIES**

1. ~~Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined from \$1 to \$2000 for each day such violation occurs.~~
2. ~~Nothing in this section shall limit the remedies available to the City in seeking to enforce the provisions of this chapter.~~
3. ~~Where it is deemed necessary by the City Manager or City Council, the City Attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.~~

CHAPTER 3 ANIMAL CONTROL

Sect 3.802 ANIMAL NUISANCE: PRESUMPTIONS

1. An animal owner commits an offense if by act, omission or possession he creates an animal nuisance.
2. The following presumptions are hereby declared applicable in the prosecution of animal nuisance offense pursuant to this subsection:
Any dog can be deemed to be a nuisance under the provisions of this section by:
 - A. The filing of a noise complaint by three (3) or more neighbors, within a twelve (12) month period, if the dog barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress or disturb the quiet, comfort or repose of persons of normal nervous sensibilities. For the purpose of this presumption, each neighbor must occupy a different residence.
 - B. The fact that an animal in question has bitten or injured another animal or human being without provocation during the previous eighteen (18) months shall give rise to the presumption that the animal bites or injures other animals or human beings without provocation.
 - C. The fact that an animal in question has permanently damaged or destroyed public or private property (not to include plants, mulch, grass, or perishable items) during the last twelve (12) months shall give rise to the presumption that the animal has a propensity to destroy property.
 - D Any cat can be deemed to be a nuisance under the provisions of this section by the filing of a trespass complaint by three or more neighbors within a twelve month period. For the purpose of this presumption, each neighbor must occupy a different residence. Any person filing a trespass complaint must have an accompanying photograph of the cat trespassing in their yard. The owner of said cat may be issued a citation.

ANIMAL CONTROL FEES

Dog(s) off leash and not contained by fencing:

1st incident to owner – warning and/or free ride home 1st time, 1 dog)

2nd incident per dog - With collar and tag or microchip \$_____

Without tag or microchip \$_____

3rd incident per dog - With collar and tag or microchip \$_____

Without tag or microchip \$_____

4th incident per dog – With collar and tag or microchip \$_____

Without tag or microchip \$_____

5th citation etc \$_____

Dog(s) captured and retrieved not having registered animal per dog – additional \$_____

Dogs captured and retrieved not sterilized and not registered per dog – additional \$_____

Dog captured and retrieved without current rabies vaccination per dog – additional \$_____

Registration Annual (Sterilized animals with microchip will receive free registration):

Cat – Sterilized (no microchip) \$_____

Cat – Not sterilized \$_____

Dog – Sterilized (no microchip) \$_____

Dog – Not sterilized \$_____

Other fees and citations:

Inadequate care and shelter \$_____

Fencing or dog containment in disrepair \$_____

Improper animal transport \$_____

Animal cruelty

Deposits – Upon owner returning with proof of completion or veterinarian statement that procedure would endanger health of animal within required period, deposit will be refunded.

Rabies Vaccination: \$_____

Sterilization:

Male Cat \$_____

Female Cat \$_____

Male Dog \$_____

Female Dog \$_____

Adoption Fees:

Public Funding Success Stories

Animal-welfare organizations and concerned individuals are already working successfully with local, county, and state governments to publicly fund spay/neuter programs. Here are just a few of the programs that are saving animal lives while addressing public concerns about costs, health, and safety. In each case, the program and its funding were designed to meet the specific needs of the community.

New Hampshire: Solutions to the Overpopulation of Pets

New Hampshire's statewide spay/neuter program has resulted in a 70 percent reduction in animal euthanasia in seven years.

The cumulative costs and expenses of New Hampshire's statewide program are contained in Geoff Handy's 2001 book, *Animal Control Management: A Guide for Local Governments*, published by the International City Council Management Association. Handy notes:

"In the six years since the program's inception, [New Hampshire's] eight largest shelters admitted 30,985 fewer dogs and cats than in the six years preceding the program... (New Hampshire's eight largest shelters account for 95 percent of the animals admitted statewide). Estimated savings on impounding and sheltering those animals was \$3.2 million, based on a per animal sheltering cost estimate of \$105. The cost of the [spay/neuter] program was just over \$1 million, meaning that the state saved more than \$2.2 million in the program's first six years. Thus New Hampshire taxpayers saved about \$3.23 for every dollar the state spent on the subsidized sterilization program..."

Handy's book provides detailed cost/expense data for this program and has other resources on animal control costs and programs. You can get a copy of the book by sending \$11 to The HSUS, Dept. ICMA-ASM, 2100 L Street, NW, Washington, DC 20037. You can also order the book from the [ICMA website](#).

First Coast No More Homeless Pets, Jacksonville, FL: SpayJax

After establishing a spay/neuter program targeted to low-income residents, First Coast No More Homeless Pets in Jacksonville, Florida witnessed a 37 percent drop in animal euthanasia in three years. Prior to the program, which began in December 2002, annual intake increases of 15-20 percent at the local shelters were normal. In 2004, for the first time in county history,

there was a decrease of 8.3 percent in county shelter intake. The City of Jacksonville has committed \$250,000 a year to fund the SpayJax program, which is administered by First Coast No More Homeless Pets.

By the numbers:

- Cost to impound, house, care for, euthanize, and dispose of an animal in Jacksonville: **\$120**
- Savings provided by the decrease of 5,604 intakes: **\$672,480**
- Cost to taxpayers of the first two years of the spay/neuter program: **\$488,510**
- **Return on every dollar invested: \$1.38**

You may also want to visit the [Spay USA website](#) for additional information.

San Diego, California: High-Volume Spay/Neuter for Ferals

Before 1992, the Department of Animal Control in San Diego, CA, experienced a 10 percent annual increase in the number of impounded and euthanized cats. The cost to pick up, house, and destroy each cat was \$121.

In 1992, the Feral Cat Coalition began high-volume spay/neuter surgeries. In the following two years, the total number of cats impounded dropped by 35 percent. The euthanasia rate dropped 40 percent. The estimated tax savings for fewer cats euthanized was calculated to be \$795,976.

For more information about these results, please visit the [Feral Cat Coalition website](#).

Orange County, Florida: Trap-Neuter-Return (TNR)

After implementing a feral cat TNR program, Orange County (FL) Animal Services completed a 10-year follow-up study to evaluate the results. The study shows reductions in impounds and nuisance complaints as well as major cost savings to the county's animal services department. A report on the study is available from Alley Cat Allies.

West Valley City, Utah: TNR

No More Homeless Pets in Utah and West Valley Shelter Feral Cat Partnership is an innovative partnership that saw a 40 percent decrease in cat intake into the shelter after a six-month feral cat Trap-Neuter-Return (TNR) program.

West Valley Shelter is Utah's third largest shelter based on animal intake. The shelter handles on average over 4,000 animals annually. By year-end 2001, 2,768 of the 4,136 animals impounded were euthanized; the majority of these were cats.

No More Homeless Pets in Utah and West Valley Shelter devised a new strategy centered around a feral cat program run by NMHP in Utah and volunteers. From March 2004 through February 2005, participants in the program:

- Trapped, neutered, and returned 508 cats
- Removed 78 kittens and placed them into outside rescue agencies
- Relocated 31 cats

As a result of this brief but intensive TNR effort:

- Shelter intake of cats decreased 26.58 percent.
- Feline euthanasia dropped by 34 percent, with the drop attributed directly to this program. (During the same period statewide, cat intake was only down 3.43 percent and cat euthanasia down 4.88 percent.)
- Each cat trapped, neutered, and returned in this effort results in 0.62 cats never entering the shelter. TNR targets the root of the overpopulation problem by stopping the breeding. TNR programs result in small, stable colonies of cats that gradually reduce in size. This translates into savings of \$29,120-\$60,976 for West Valley Shelter in only nine months from the Feral Fix program alone. (The shelter does not have a per-animal cost for impounding, housing, and destroying animals. Their savings calculation is based on the range of per-animal costs reported by other communities around the country, from \$65 to \$148 per animal.)
- After recognizing the success, West Valley City now funds \$50,000 of a spay/neuter program for animals belonging to low-income residents of the city. For more information on

this program, please visit the [No More Homeless Pets in Utah website](#).

Best Friends Animal Society Trap, Neuter and Return Cost Savings Calculator

Supporting TNR Programs For Community Cats
Could Save Taxpayers in Bexar, Texas Millions of Dollars

Estimated Cat Population of Bexar, Texas

Estimated Number of Cats	383,850
Estimated Number of Free-Roaming Cats	211,120

Estimated Costs Associated With Alteration and Return Per Cat

Trap/Fieldwork	\$40
Neuter/Spay	\$30
Physical Exams	\$30
Vaccinations	\$30
Estimated Cost of TNR in Bexar, Texas Per Cat	\$140

Estimated Costs Associated With Discount Packaged Alteration and Return Per Cat

Trap/Fieldwork	\$40
Packaged TNR Procedure	\$20
Estimated Cost of Discount Packaged TNR in Bexar, Texas	\$60

Estimated Costs Associated With Feline Eradication Per Cat

Trap/Enforcement	\$40
Sheltering	\$30
Food/Supplies	\$30
Laboratory Tests	\$10
Eradication/Euthanization	\$30
Estimated Cost of Eradication in Bexar, Texas Per Cat	\$150

Estimated Savings for Taxpayers in Bexar, Texas Through TNR (Cost of Eradication x Number of Free-Roaming Cats - Cost of TNR x Number of Free-Roaming Cats)	\$3,732,600
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Estimated Savings in Bexar, Texas with Discounted Sterilization & TNR (Cost of Eradication x Number of Free-Roaming Cats - Discounted TNR x Number of Free-Roaming Cats)	\$19,063,000
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The Difference between Euthanasia and Killing

Millions of cats die in U.S. animal control pounds and shelters every year. The pounds and shelters say these animals are "euthanized." But they're not—they are killed. An animal is only euthanized when she is terminally ill or untreatably injured.

Euthanasia n. The act or practice of ending the life of an individual suffering from a terminal illness or an incurable condition, as by lethal injection or the suspension of extraordinary medical treatment. The American Heritage Dictionary

*Genuine euthanasia is a medical decision and is always done in an individual animal's best interest. It can be an important part of end-of-life care. But most animals who die in pounds and shelters are killed for very different reasons. Facilities kill animals to make room for new ones, to manage disease, or to compensate for inadequate staff or funding. Decisions to kill reflect the operating interests of facilities, not the best interests of animals. Using the word "euthanasia" masks what really happens to cats in pounds and shelters—**they are killed.***

Cat Leash Laws: The End of the Line

Laws mandating that cats be kept either indoors or on leashes will increase the number of cats killed in our nation's local animal pounds and shelters. The number one documented cause of death for all cats in the U.S. is being killed in animal pounds and shelters. Leash laws send even more cats into a system in which over 70% of all cats are killed. Fatal Consequences for Cats Cat leash laws result in more cats killed and higher costs to the government entities operating animal control who must trap, shelter, identify and eventually euthanize. They operate on the principal that any cat found loose outdoors should be brought to an animal pound or shelter where she has little chance of survival. Any cat not wearing a leash is a visible target for animal control. Even indoor-only cats who have escaped are at risk of being impounded and killed. Identification of tame versus lost versus feral is virtually impossible during the trapping and handling phase of enforcing a cat leash law. Leash laws are especially lethal for feral cats, who do not have traditional "owners" to leash them and whose natural habitat is outdoors. Although these animals have been living outdoors in close proximity to humans for 8,000 to 10,000 years, leash laws allow animal control to pick them up and bring them to pounds and shelters where virtually 100% of them will be killed.

Debunking Cat Leash Law Myths

Even though cat leash laws result in more cats killed, some supporters claim these laws are beneficial. Discover why those claims are myths.

Myth: Cats should have to wear leashes because dogs do.

Truth: Cats are a different species from dogs and should be treated accordingly.

Most animal damage control laws originated to protect humans and human property against certain damages dogs caused. Recently, some jurisdictions have tried to impose the same laws on cats, despite the obvious differences between the species. A cat will not chase down a person on a bike just to inflict a bite. Most importantly, cats differ from dogs in the kind and seriousness of harm they may cause. Animal damage control laws were enacted in the U.S. primarily to compensate for dogs killing livestock and to protect against rabies, which at the time had no preventive vaccine or post-exposure treatment. Cats, at most, can cause only trivial damage to humans and their property. Rabies, meanwhile, has been virtually eradicated from cat and dog populations; no human has died after being bitten by an infected cat in over thirty years. Since leash laws are intended to protect against significant harm, there is no justification for leashing cats.

Myth: Cats shouldn't be allowed outdoors off a leash because they kill birds and wildlife.

Truth: Humans, not cats, are responsible for bird and wildlife species loss.

Overwhelming evidence shows that human activities which threaten these species covers a vast range, including logging, crop farming, livestock grazing, mining, industrial and residential development, urban sprawl, road building, dam building, and pesticide use. Across the United States, little land is left untouched by human development, modification, fragmentation, and pollution. Those who claim cats are a major threat to wildlife use misleading language to evade human accountability; by lumping thousands of human activities and damages into the single category of "habitat loss," they make other, inconsequential issues appear more important. Humans continue to create and maintain a habitat that is beneficial to cats but inhospitable to many bird and wildlife species. Focusing on cats killing birds and wildlife trivializes the critical issues facing these species today, all of which are human-caused. [Read more here.](#)

Myth: Cats really belong indoors.

Truth: Cats have been living outdoors, without leashes and in close proximity to humans, for 8,000 to 10,000 years.

Proponents of cat leash laws claim that cats should only live indoors in human homes, and that if they are allowed outdoors it should only be at the end of a leash. In fact, the most up-to-date research indicates that cats have been living outdoors in close proximity to humans for 8,000 to 10,000 years. For centuries they have traveled the globe with humans and thrived keeping the rodent population at check. Claiming that cats belong only indoors or on

a leash is contrary to the habitat and natural history of the species. Alley Cat Allies does not believe it is acceptable to abandon a house cat or to allow an indoor-only cat to roam outdoors.

What's Best for Cats: Being Alive or Dead?

Many animal control pounds and shelters operate on the notion that if a cat can't live in a human home, it's best to kill her. They use individual anecdotes of sick and abused stray cats to extrapolate that millions of these animals are better off dead than alive. But research shows otherwise. The bottom line is: being killed is not in cats' best interests.

- Veterinary studies show that stray cats' incidence of trauma and disease is low, and their infection rate—4%—is the same or lower than in house cats.*
- Evolutionary research shows that the natural habitat of cats is outdoors in close proximity to humans. The species *Felis catus* came into existence 8,000 to 10,000 years ago when humans shifted from hunting and gathering to farming. Initially attracted by grain stores with plentiful rodent populations, cats have been living side by side with humans ever since.*
- A recent national public opinion poll shows that 81% of Americans believe it is more humane to leave a stray cat outside to live out her life than to have her caught and killed.*

Feeding bans do not work, and are not scientifically supported.

Attempts to eradicate feral cats by starvation fail because there are other food sources that are a by-product of urban and suburban environments. Feral cat populations' density and locations are not contingent on individuals intentionally providing food for the cats.^{1, 2} Studies have shown that other sources of food are always available – including food scraps in household trash and municipal garbage facilities.³ Cats are territorial and bond to their surroundings. As scavengers, they can find food in garbage cans and dumpsters.

In certain situations, feral cats who have been fed on a consistent schedule can become dependent on their caregivers for food, and in these cases, to abruptly discontinue care is cruel and can lead to the death of some cats. But cats will not disappear simply because compassionate people can no longer legally feed them.

Feeding bans encourage cats to roam further to find food, making them more visible, which can actually increase calls to animal control. *Managing a colony with a program that includes Trap-Neuter-Return and consistent, organized feeding discourages roaming because neutered males are no longer searching for mates, and there is decreased competition for dominance rank.⁴ Cats who are fed on a regular schedule tend to stay in close proximity to their feeding stations. Feeders can also exercise control over the*

behavior of feral cats, by gradually moving their feeding stations into less-trafficked areas.

Feeding bans discourage the practice of Trap-Neuter-Return, the only effective course of action for stabilizing the feral cat population. Scientific studies as well as decades of hands-on experience show that Trap-Neuter-Return programs work to end the breeding cycle, improve the cats' health, and make them better neighbors by ending mating behaviors.⁵

With a feeding ban in place, Trap-Neuter-Return is impossible to carry out, and the cats continue to have new litters of kittens.

Feeding bans punish the very people who are working to improve conditions for the cats and for the community. In the last 20 years, the number of local nonprofit organizations dedicated to helping feral cats in the community has grown to over 250 nationwide. Hundreds of thousands of Americans, spending their own time and money, organize low-cost spay/neuter clinics, carry out Trap-Neuter-Return programs and organize foster programs for adoptable cats and kittens. These Good Samaritans are an asset to the community. Feeding bans force their work into secrecy.

Feeding bans are difficult to enforce; compassionate people will continue to help the cats. They are also complaint-driven, and rapidly deteriorate into a situation of extreme cruelty, with no net benefit to the community.

Feeding bans ignore the real problem—the lack of affordable spay/neuter services in the community. Feeding bans are punitive and tend to direct resources towards administrative tasks like enforcement and away from incentive-based programs that encourage spay/neuter. Ineffective ordinances, like feeding bans, are a waste of taxpayer dollars.

Alley Cat Allies encourages communities to reject cruel, punitive, and ineffective ordinances and instead to embrace humane programs that really work to stabilize the population and keep cats out of animal shelters, including Trap-Neuter-Return for feral cats and subsidized and low-cost spay/neuter for all cats.

Key Scientific Studies on Trap-Neuter-Return

Scientific studies show that Trap-Neuter-Return, also known as TNR, is the humane and effective approach for managing community cats. Trap-Neuter-Return improves the lives of stray cats, improves their relationships with the people who live near them, and decreases the size of colonies over time.

These studies have been conducted in multiple countries, and have been published in a variety of peer-reviewed scientific journals.

Cats benefit from Trap-Neuter-Return for their entire lives.

Studies show that after neutering, cats become healthier and gain weight.

One study of a TNR program found that at the end of a 10-year period, 83% of the cats in the managed colonies had been residing in those colonies for more than six years—indicating a lifespan comparable to the 7.1-year lifespan of pet cats.

Neutered cats also roam less and do not fight over mates. Studies have found that after neutering, cats in managed colonies were less aggressive and more affectionate towards each other.

By eliminating mating behaviors, Trap-Neuter- Return makes cats better neighbors.

Neutered cats make less noise, for example, and fight less. One study found that calls to animal control about cats decreased after a TNR program was implemented—even though the human population increased.

Multiple long-term studies of Trap-Neuter- Return have shown that the size of managed colonies decreases over time.

One study found a 66% decrease in the populations of managed colonies over 11 years, while another study of a TNR program over a 10-year period documented colony size decreases of 16 to 32%.

Studies:

Hughes, Kathy L. and Margaret R. Slater. "Implementation of a Feral Cat Management Program on a University Campus." *Journal of Applied Animal Welfare Science* 5, no. 1 (2002): 15-28.

Hughes and Slater document the success of a new Trap, Test, Vaccinate, Alter (spay or neuter), Return, and Monitor (TTVARM, a.k.a. TNR) program on the campus of Texas A&M University, looking at the changes between the implementation year and the year that followed. In the first year, 123 cats were trapped, compared to 35 in the second. Over the course of the program, 32 cats and kittens were adopted. In the second year, only three kittens were found, and the researchers assume that these were lost or abandoned, as no litters or nursing mothers were seen in that year. The program illustrated how a well-managed TNR program can stabilize a population of cats.

Levy, Julie K., David W. Gale, and Leslie A. Gale. "Evaluation of the Effect of a Long-Term Trap-Neuter-Return and Adoption Program on a Free- Roaming Cat Population." *Journal of the American Veterinary Medical Association* 222, no. 1 (2003): 42-46.

This study tracks a TNR program on a Florida college campus over the course of 11 years to determine the characteristics of cats involved and to document the effectiveness of the program at controlling the population of cats on the campus. Kittens and tame cats were adopted out, and new cats were trapped and neutered. At the end of the study, the population had decreased by 66%, and over 80% of the cats had been residents for more than six years—a duration comparable to the mean lifespan of 7.1 years for pet cats.