



## Recommendation for Action

**File #: 22-1578, Agenda Item #: 2.**

**4/7/2022**

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### **Posting Language**

Approve an ordinance amending City Code Chapter 3-2 (*Restrictions on Animals*) to add a new Section 3-2-8 relating to the training and control of animals; creating an offense; and establishing an affirmative defense.

### **Lead Department**

Animal Services Office.

### **Fiscal Note**

This item has no fiscal impact

### **Prior Council Action:**

On August 6, 2015, City Council passed Ordinance No. 20150806-051 which amended City Code Section 3-1-1(2) to create a definition for "BULL HOOK", created City Code Section 3-2-7 for Treatment of Elephants, and created City Code Section 3-7-2(H) instituting a minimum fine for offenses under Section 3-2-7 on a 10-1 vote.

On March 4, 2021, City Council instructed the Animal Advisory Commission to reconsider their 2015 recommendation.

### **For More Information:**

Don Bland, Chief Animal Services Officer, 512-978-0521; Kymberley Maddox, Assistant Director of Administration, 512-972-5041; Belinda Hare, Agenda Coordinator, 512-978-0565.

### **Council Committee, Boards and Commission Action:**

At the October 12, 2015, regular meeting of the Animal Advisory Commission, commissioners approved recommendation 20151012-4g to amend Chapter 3-2 of the City Code.

At the January 11, 2016, regular meeting of the Animal Advisory Commission, commissioners passed a recommendation requesting that Council add Section 3-2-8 relating to the "TRAINING AND CONTROL OF ANIMALS."

At the March 8, 2021, regular meeting of the Animal Advisory Commission, commissioners reconsidered and unanimously re-approved the 2015 recommendation.

### **Additional Backup Information:**

This ordinance will close loopholes created by eliminating language in the current bull hook ordinance. This ordinance also extends protections to all animals within the City of Austin, with an exception to livestock. Livestock is protected under state law. Specifically, Texas Penal Code Section 42.09 sets penalties for cruelty to livestock including class A misdemeanors and felonies, subject to jail time. The City is limited to class C misdemeanors and lower penalties than are set in state law.

In response to public sentiment and outcries from animal welfare advocates regarding the use of bull hooks on circus elephants, the Animal Advisory Commission (AAC) passed a recommendation in June 2013 asking City

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Council to ban the use of painful devices on circus elephants. Resembling a fireplace poker, bull hooks are used by handlers to hit and punish elephants to control them. They are implements of pain that cause trauma and injury to elephants. As a result of this recommendation, in November 2014, Council directed the City Manager to write an ordinance banning the use of painful devices on all circus animals.

At the April 8, 2015, meeting, the AAC approved sending Recommendation 20150408-5a to City Council to move forward with amending Chapter 3-2 of City Code relating to Animal Regulation. The language in the original bull hook ordinance was changed to a degree that Commissioners felt the intent of the original recommendation was not followed (to the point the Commissioner received complaints from the Humane Society of the United States (HSUS) and Action for Animal who felt that Council had provided a loophole due to the language used. For example, someone could hammer a nail into a baseball bat and create a makeshift bull hook. This led to the Commission's October remedy recommendation to revise the language in the Code to read, "A person may not train or control an animal by the use of a baseball bat, axe handle, pitchfork, bull hook or device of similar design for similar purpose." The key phrase being "device of similar design for similar purpose."

On October 12, 2015, Commissioners passed Recommendation 20151012-4g, asking Council to move forward with amendments to the Code using the remedy language.

The 2015 recommendation was presented as agenda item # 2 on the City Council's agenda for March 2, 2021, pulled by Council and returned to the Animal Advisory Commission which approved the recommendation unanimously at their meeting on Monday, March 8, 2021.

**Strategic Outcome(s):**

Health and Environment.