

**RESOLUTION NO. 20220728-096**

**WHEREAS**, on June 13, 2022, the Animal Advisory Commission approved Recommendation 20220613-03E recommending that City Code Section 3-4-7 (Vicious Dog) be amended to clarify the role of the Health Authority and outline the responsibilities of the owner; and

**WHEREAS**, these proposed amendments will provide clearer requirements and increased accountability for owners while affording an opportunity to improve the dog's behavior; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Council recognizes and supports the Animal Advisory Commission's Recommendation 20220613-03E, attached as Exhibit "A," and directs the City Manager to initiate changes to City Code Section 3-4-7 (Vicious Dog) to achieve the purposes of the recommendation.

**ADOPTED:** July 28, 2022

**ATTEST:**

  
Myrna Rios  
City Clerk



**ANIMAL ADVISORY COMMISSION RECOMMENDATION 20220613-03E**

Date: 6/13/22

Subject: Recommended changes to Vicious Dog, 3-4-7, in the City Code

Motioned By: Commissioner Jo Anne Norton      Seconded By:

**Recommendation**

The Commission recommends that City Code 3-4-7, Vicious Dog, is amended to read as in the description below.

**Description of Recommendation to Council**

*[Include the backup from the May meeting here]*

**Rationale:**

Currently, once a dog has been determined “vicious,” it cannot be kept in the City. Such a dog may not be a threat as long as the owner is willing to take extra precautions to avoid the circumstances that caused the bad behavior in the first place. It is also possible for dogs to get training to improve their behavior. With no other option, these dogs could end up in a shelter, or worse. They become hard to place in a new home, and without that support, their behavior may deteriorate further in a shelter. We believe the proposed change would allow dogs to stay with their owners, with the potential for improved behavior, with very little risk to the public.

**Vote**

For: 12

Against: 0

Abstain: 0

Absent: 1 (vacant)

Attest: *[Staff or board member can sign]*

*Dr. Craig Nantz*

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## **EXHIBIT A**

Proposed revision to Section 3-4-7

Proposed revision to Section 3-4-7

### **3-4-7 VICIOUS DOG.**

(A) An owner or handler shall take reasonable measures to protect the public from accidental contact with a dog that, by nature or by training, is dangerous to ~~people or~~ other animals.

(B) ~~[ An owner or handler may not keep or permit a dog to be in the city if the dog has]~~  
For purposes of this section, a vicious dog is a dog that, while running at large, has:

~~[(1) on at least three separate occasions bitten or scratched a person in the city;~~

~~(2) on at least one occasion bitten or scratched a person to an extent that the attending physician has presented an affidavit to the health authority stating that the person's life may have been endangered by the dog; or~~

~~(3) on at least one occasion:]~~

~~[(a)]~~ (1) killed a ~~another~~ dog, cat, or other domestic pet, fowl, or livestock, provided, however, that when the incident occurred, the killed animal was not in violation of a provision of this title relating to the confinement or physical control of animals in the City; or

~~[(b)]~~ (2) seriously injured another animal to an extent that an attending veterinarian has presented an affidavit to the health authority stating that the injured animal's life was seriously endangered or taken by the dog, or that the dog caused a significant permanent impairment of the injured animal's basic bodily functions or mobility; provided, however, that when the incident occurred, the injured animal was not in violation of a provision of this title relating to the confinement or physical control of animals in the City.

(C) If the Health Authority determines that a dog is a vicious dog as defined in subsection (B), the Health Authority shall notify the owner of that fact.

(D) An owner, not later than the 15<sup>th</sup> day after the date the owner is notified that a dog owned by the owner is a vicious dog, may appeal the determination of the Health Authority to municipal court. An owner may appeal the decision of municipal court in the same manner as appeal for other cases from municipal court.

(E) The owner of a vicious dog shall comply with the following conditions:

(1) restrain the dog at all times on a leash in the immediate control of a person or in an enclosure that prevents the escape or release of the dog;

(2) before taking the dog to a boarding facility, notify the facility that the dog has been determined by the Health Authority to be a vicious dog;

Proposed revision to Section 3-4-7

(3) not later than the 30th day after a person has been provided notice that the dog has been determined by the Health Authority to be a vicious dog:

- (a) submit proof to the Health Authority of the dog's current rabies vaccination;  
and
- (b) implant a microchip in the dog with the owner's current information.

(F) The Health Authority may enforce a violation of Subsection (E) by issuance of a citation.