

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 3-4-7 RELATING TO
VICIOUS DOGS AND CREATING AN OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 3-4-7 (*Vicious Dog*) is amended to read:

§ 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) For purposes of this section, a vicious dog is a dog that, while running at large, has: ~~[An owner or handler may not keep or permit a dog to be in the city if the dog 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:]~~
- (1)[(a)] killed [another] a 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
- (2)[(b)] 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 a person reports an incident described by Subsection (B), the Health Authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the Health Authority determines that a dog is a vicious dog as defined in subsection (B), the Health Authority shall notify the owner in writing of the determination.
- (D) An owner, not later than the 15th 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. To file an appeal under Subsection (D), the owner must:
- (1) file a notice of appeal of the Health Authority's vicious dog determination with the City of Austin Municipal Court;
 - (2) attach a copy of the determination from the Health Authority; and
 - (3) serve a copy of the notice of appeal on the Health Authority by mailing the notice through the United States Postal Service.
- (E) The owner of a vicious dog shall:
- (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; and
 - (3) not later than the 30th day after an owner 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 issuing a citation.

PART 2. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

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_____, 2022

Steve Adler
Mayor

APPROVED: _____

ATTEST: _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk