



29 health authority may transfer, place, or sell an animal surrendered by its  
30 owner at any time after intake.

31 (B) Except as provided in subsection (G), the animal shelter must not euthanize  
32 an animal before the animal has been impounded for seven business days  
33 and the notice requirements of Section 3-1-26 are either satisfied, or  
34 determined not to apply.

35 (C) Except as provided in subsection (D), the health authority shall hold an  
36 impounded animal not surrendered by its owner for a period of three  
37 business days following impoundment of the animal for owner reclamation.  
38 On the fourth business day, an impounded animal is the property of the  
39 health authority.

40 (D) In order to save the life of an impounded animal not surrendered by its  
41 owner, the health authority may transfer that animal to a 26 U.S.C. Section  
42 501(c)(3) (Exemption from tax on corporations, certain trusts, etc.)  
43 organization located in Travis County that is an animal shelter, animal  
44 rescue organization, or other animal-welfare organization prior to the  
45 expiration of the period described in subsection (C) subject to the following  
46 conditions[-]:

47 (1) The health authority shall maintain documentation, in physical and  
48 electronic form reviewable by the public, of an animal transferred  
49 under this subsection, including a photograph of the animal and all  
50 information pertaining to the animal's impoundment and transfer, at  
51 the health authority and on the health authority's website for three  
52 business days following the impoundment of the animal at the health  
53 authority[-];

54 (2) An animal transferred under this subsection is considered abandoned  
55 by its owner, and becomes the property of the transferee  
56 organization[-] upon the expiration of three business days from  
57 impoundment by the health authority[-];

58 (3) Prior to the expiration of the period described in subsection (D)(2), the  
59 transferee organization is the designated caretaker of the animal[-];  
60 and

61 (4) An animal transferred under this subsection remains subject to  
62 reclamation by its owner prior to the expiration of the period  
63 described in subsection (D)(2).

64 (E) An animal in the custody of the health authority solely for purposes of  
65 sterilization, vaccination, or microchipping[  ] is not subject to a mandatory  
66 period of impoundment. The health authority is the designated caretaker, but  
67 not owner, of such animal during any period of custody.

68 (F) The health authority and any 26 U.S.C. Section 501(c)(3) organization that  
69 is an animal shelter, animal rescue organization, or other animal-welfare  
70 organization to which the health authority has transferred an impounded  
71 animal shall not sell or transfer an impounded animal, with or without  
72 consideration, to any person, entity, political subdivision, hospital,  
73 educational or commercial institution, laboratory, or animal dealer, whether  
74 or not such dealer is licensed by the United States Department of Agriculture  
75 or any other state or federal agency, for purposes of medical or biological  
76 teaching, research, study, or experimentation of any kind.

77 (G) Subsection (B) does not apply to an animal that is irremediably suffering.

78 (H) Subsections (A) through (D) do not apply to an animal that is a dangerous  
79 animal under Chapter 3-5 (Dangerous Animals) of this Code.

80 (I) For purposes of calculating time periods in this section, the date of initial  
81 impound is not counted.

82 (J) Each day the health authority's animal shelter is open to the public for  
83 reclamation and adoption is a business day.

84 (K) Nothing in this section prohibits the health authority or chief animal services  
85 officer from placing an animal with an individual who agrees to act as a  
86 foster during the time periods described in this section.

87 (1) The health authority shall maintain documentation, in physical and  
88 electronic form reviewable by the public, of an animal placed with an  
89 individual under this subsection, including a photograph of the animal  
90 and all information pertaining to the animal's impoundment and  
91 placement, at the health authority and on the health authority's website  
92 for three business days following the impoundment of the animal at  
93 the health authority; and

- 94 (2) An animal placed with an individual under this subsection remains  
95 subject to reclamation by its owner prior to the expiration of the  
96 period described in subsection (C).  
97

98 **PART 3.** City Code Section 3-1-26 (*Notice to Rescue Organization*) is amended to  
99 read as follows:

100 **§ 3-1-26 NOTICE TO RESCUE ORGANIZATION.**

- 101 (A) Not less than two business days before the euthanasia of any animal, the  
102 City animal shelter must:
- 103 (1) Notify or make a reasonable attempt to notify by verifiable,  
104 documented communication any rescue organization that has  
105 previously requested to be notified before animals are euthanized;
- 106 (2) Unless there is evidence of neglect or animal cruelty as certified in  
107 writing by a licensed veterinarian, notify or make a reasonable attempt  
108 to notify by verifiable, documented communication the owner who  
109 surrendered the animal and inform that person that the animal is  
110 scheduled to be euthanized, unless the person requests not to be  
111 contacted;
- 112 (3) Notify or make a reasonable attempt to notify by verifiable,  
113 documented communication the finder who surrendered the stray  
114 animal and inform that person that the animal is scheduled to be  
115 euthanized, unless the person requests not to be contacted; and
- 116 (4) Give one of the rescue organizations or persons notified under  
117 subsections (1), (2) or (3) possession of the animal to avoid the  
118 animal's death if the rescue organization or person requests it.
- 119 (B) The City animal shelter may not euthanize any animal without making the  
120 notification required by subsections (A)(1), (2) and (3).
- 121 (C) This section does not apply to:
- 122 (1) An animal who is irremediably suffering;

- 123 (2) A dog whose release to a rescue organization would violate a court  
124 order; or
- 125 (3) A dog with a documented Level 4 bite as set out in the City's bite  
126 scale adopted in Ordinance No. 20240201-02 as amended from time  
127 to time [~~history of unprovoked biting that has resulted in severe injury~~  
128 ~~to a person~~].

- 129 (D) This section also applies prior to the spay of an animal exhibiting visible  
130 signs of pregnancy, unless medically necessary.

131 **PART 4.** City Code Section 3-1-27 (*Reporting by Animal Shelter*) is amended to read  
132 as follows:

133 **§ 3-1-27 REPORTING BY ANIMAL SHELTER.**

134 The manager of the animal shelter must prepare and make public monthly and annual  
135 reports, allowing for permissible delay for some data from outside rescue organizations,  
136 that include, for the categories of dogs, cats, other pets, and wildlife:

- 137 (1) the number of animals impounded;
- 138 (2) the number of animals euthanized, and for each, a description of the animal,  
139 including age, species, and size, and the reason for euthanasia;
- 140 (3) the live-release rate for non-wildlife animals, which must be calculated by  
141 dividing the number of non-wildlife animals, released alive during the  
142 reporting period by the number of non-wildlife animals with final  
143 dispositions during the same period; non-wildlife animals released alive are  
144 impounded non-wildlife animals that were adopted, transferred to rescue  
145 organizations, reclaimed by owner, released, or stolen, and does not include  
146 non-wildlife animals in the shelter's foster system; non-wildlife animals with  
147 final dispositions are non-wildlife animals released alive and impounded  
148 non-wildlife animals that were euthanized, died in kennel or foster, missing,  
149 and does include non-wildlife animals euthanized by owner request or court  
150 order, but does not include non-wildlife animals in the shelter's foster  
151 system;
- 152 (4) the number of animals adopted;

- 153 (5) the number of animals returned to owner after impoundment, and the  
154 number of animals returned to owner before impoundment;
- 155 (6) the number of animals placed into the shelter's foster program during the  
156 period, and the number of animals within the shelter's foster program on the  
157 date of reporting;
- 158 (7) the number of animals over four weeks of age that received vaccinations  
159 upon intake, and the number of animals over four weeks of age that did not  
160 receive vaccinations upon intake;
- 161 (8) the amount of money paid to third-party providers of services to the City-  
162 operated animal shelter for emergency medical treatment, spaying or  
163 neutering, or post-adoption care;
- 164 (9) the number of animals spayed or neutered at the shelter, and the number of  
165 animals spayed or neutered outside the shelter under a contract with the City  
166 of Austin;
- 167 (10) the number of animals that died in the shelter or within the shelter's foster  
168 program, and the suspected cause of death for each;
- 169 (11) the number of animals transferred to a rescue organization, and unless a  
170 rescue organization opts out of the disclosure in writing, the number of  
171 animals transferred to and identity of each rescue organization that accepted  
172 transferred animals during the period;
- 173 (12) the number of spays performed on animals that are visibly pregnant;
- 174 (13) the number of animals lost, stolen, or missing;
- 175 (14) the City-operated animal shelter's live-release-rate goal;
- 176 (15) the number of cats released under the animal shelter's shelter-neuter-return  
177 program, reported by age group; under three months, three to six months,  
178 and older than six months; and
- 179 (16) the number of intact animals adopted or returned to owner, and an  
180 explanation for each.

181 **PART 5.** The City Council adopts a bite scale that is based on Dr. Ian Dunbar’s Dog  
182 Bite Scale and promulgated by the Association of Professional Dog Trainers.

183 Level 1: Obnoxious or aggressive behavior but no skin-contact by teeth.

184 Level 2: Skin-contact by teeth but no skin-puncture. However, may be skin nicks (less  
185 than one tenth of an inch deep) and slight bleeding caused by forward or lateral  
186 movement of teeth against skin, but no vertical punctures.

187 Level 3: One to four punctures from a single bite with no puncture deeper than half the  
188 length of the dog’s canine teeth. May be lacerations in a single direction, caused by  
189 victim pulling hand away, owner pulling the dog away, or gravity.

190 Level 4: One to four punctures from a single bite with at least one puncture deeper than  
191 half the length of the dog’s canine teeth. May also have deep bruising around the wound  
192 or laceration in both directions.

193 Level 5: Multiple-bite incident with at least two Level 4 bites or multiple-attack incident  
194 with at least one Level 4 bite in each.

195 Level 6: Victim dead.

196 **PART 6.** Parts 2 and 4 of this ordinance take effect on \_\_\_\_\_, 2024.  
197 Parts 1, 3, and 5 of this ordinance take effect on August 1, 2024.

198 **PASSED AND APPROVED**

199 §  
200 §  
201 \_\_\_\_\_, 2024 § \_\_\_\_\_  
202

203 Mayor Kirk Watson

204  
205  
206 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

Myrna Rios  
City Clerk

Anne L. Morgan  
City Attorney

207  
208

DRAFT