

ORDINANCE NO. 20240201-002

AN ORDINANCE AMENDING CITY CODE CHAPTER 3-1 RELATING TO DISPOSITION OF AN IMPOUNDED ANIMAL, NOTICE TO RESCUE ORGANIZATION, REPORTING BY ANIMAL SHELTER, REMOVING DEFINITIONS; AND ADOPTING A BITE SCALE.

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

PART 1. City Code Section 3-1-1 (*Definitions*) is amended to remove definitions for “(15) Provoked Biting”, “(20) Severe Injury”, and “(23) Unprovoked Biting” and renumber the remaining definitions accordingly:

~~[(15) PROVOKED BITING means biting that occurs because the dog was being taunted, or the dog was acting in defense of self, a person, another animal, or property, or the dog was acting from maternal instinct, or the dog was reacting to hunger, pain, or fear, or the dog bites accidentally, as when playing. To be provoked a biting must occur contemporaneously with or immediately following the provocation.]~~

~~[(20) SEVERE INJURY means any physical injury from a dog bite that results in broken bones, permanently disfiguring lacerations requiring multiple sutures or cosmetic surgery, other surgery or nerve damage.]~~

~~[(23) UNPROVOKED BITING means biting that is not provoked. Unprovoked biting includes biting that occurs during ordinary care, including feeding, walking, and placing a collar, leash, or harness on a dog, or from merely initiating interaction with a dog, or standing and facing the dog, walking toward a dog or its owner, or addressing the dog's owner.]~~

PART 2. City Code Section 3-1-25 (*Disposition of An Impounded Animal*) is amended to read as follows:

§ 3-1-25 DISPOSITION OF AN IMPOUNDED ANIMAL.

- (A) An animal surrendered by its owner to the health authority is immediately abandoned by its owner and is the property of the health authority. The health authority may transfer, place, or sell an animal surrendered by its owner at any time after intake.

- (B) Except as provided in subsection (G), the animal shelter must not euthanize an animal before the animal has been impounded for seven business days and the notice requirements of Section 3-1-26 are either satisfied, or determined not to apply.
- (C) Except as provided in subsection (D), the health authority shall hold an impounded animal not surrendered by its owner for a period of three business days following impoundment of the animal for owner reclamation. On the fourth business day, an impounded animal is the property of the health authority.
- (D) In order to save the life of an impounded animal not surrendered by its owner, the health authority may transfer that animal to a 26 U.S.C. Section 501(c)(3) (Exemption from tax on corporations, certain trusts, etc.) organization located in Travis County that is an animal shelter, animal rescue organization, or other animal-welfare organization prior to the expiration of the period described in subsection (C) subject to the following conditions[-];
- (1) The health authority shall maintain documentation, in physical and electronic form reviewable by the public, of an animal transferred under this subsection, including a photograph of the animal and all information pertaining to the animal's impoundment and transfer, at the health authority and on the health authority's website for three business days following the impoundment of the animal at the health authority[-];
 - (2) An animal transferred under this subsection is considered abandoned by its owner, and becomes the property of the transferee organization[;] upon the expiration of three business days from impoundment by the health authority[-];
 - (3) Prior to the expiration of the period described in subsection (D)(2), the transferee organization is the designated caretaker of the animal[-];
and
 - (4) An animal transferred under this subsection remains subject to reclamation by its owner prior to the expiration of the period described in subsection (D)(2).
- (E) An animal in the custody of the health authority solely for purposes of sterilization, vaccination, or microchipping[;] is not subject to a mandatory

period of impoundment. The health authority is the designated caretaker, but not owner, of such animal during any period of custody.

- (F) The health authority and any 26 U.S.C. Section 501(c)(3) organization that is an animal shelter, animal rescue organization, or other animal-welfare organization to which the health authority has transferred an impounded animal shall not sell or transfer an impounded animal, with or without consideration, to any person, entity, political subdivision, hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture or any other state or federal agency, for purposes of medical or biological teaching, research, study, or experimentation of any kind.
- (G) Subsection (B) does not apply to an animal that is irremediably suffering.
- (H) Subsections (A) through (D) do not apply to an animal that is a dangerous animal under Chapter 3-5 (Dangerous Animals) of this Code.
- (I) For purposes of calculating time periods in this section, the date of initial impound is not counted.
- (J) Each day the health authority's animal shelter is open to the public for reclamation and adoption is a business day.
- (K) Nothing in this section prohibits the health authority or chief animal services officer from placing an animal with an individual who agrees to act as a foster during the time periods described in this section.
 - (1) The health authority shall maintain documentation, in physical and electronic form reviewable by the public, of an animal placed with an individual under this subsection, including a photograph of the animal and all information pertaining to the animal's impoundment and placement, at the health authority and on the health authority's website for three business days following the impoundment of the animal at the health authority; and
 - (2) An animal placed with an individual under this subsection remains subject to reclamation by its owner prior to the expiration of the period described in subsection (C).

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

§ 3-1-26 NOTICE TO RESCUE ORGANIZATION.

- (A) Not less than two business days before the euthanasia of any animal, the City animal shelter must:
- (1) Notify or make a reasonable attempt to notify by verifiable, documented communication any rescue organization that has previously requested to be notified before animals are euthanized;
 - (2) Unless there is evidence of neglect or animal cruelty as certified in writing by a licensed veterinarian, notify or make a reasonable attempt to notify by verifiable, documented communication the owner who surrendered the animal and inform that person that the animal is scheduled to be euthanized, unless the person requests not to be contacted;
 - (3) Notify or make a reasonable attempt to notify by verifiable, documented communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be euthanized, unless the person requests not to be contacted; and
 - (4) Give one of the rescue organizations or persons notified under subsections (1), (2) or (3) possession of the animal to avoid the animal's death if the rescue organization or person requests it.
- (B) The City animal shelter may not euthanize any animal without making the notification required by subsections (A)(1), (2) and (3).
- (C) This section does not apply to:
- (1) An animal who is irremediably suffering;
 - (2) A dog whose release to a rescue organization would violate a court order; or
 - (3) A dog with a documented Level 4 bite as set out in the City's bite scale adopted in Ordinance No. 20240201-002 as amended from time to time [~~history of unprovoked biting that has resulted in severe injury to a person~~].
- (D) This section also applies prior to the spay of an animal exhibiting visible signs of pregnancy, unless medically necessary.

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

§ 3-1-27 REPORTING BY ANIMAL SHELTER.

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

- (1) the number of animals impounded;
- (2) the number of animals euthanized, and for each, a description of the animal, including age, species, and size, and the reason for euthanasia;
- (3) the live-release rate for non-wildlife animals, which must be calculated by dividing the number of non-wildlife animals, released alive during the reporting period by the number of non-wildlife animals with final dispositions during the same period; non-wildlife animals released alive are impounded non-wildlife animals that were adopted, transferred to rescue organizations, reclaimed by owner, released, or stolen, and does not include non-wildlife animals in the shelter's foster system; non-wildlife animals with final dispositions are non-wildlife animals released alive and impounded non-wildlife animals that were euthanized, died in kennel or foster, missing, and does include non-wildlife animals euthanized by owner request or court order, but does not include non-wildlife animals in the shelter's foster system;
- (4) the number of animals adopted;
- (5) the number of animals returned to owner after impoundment, and the number of animals returned to owner before impoundment;
- (6) the number of animals placed into the shelter's foster program during the period, and the number of animals within the shelter's foster program on the date of reporting;
- (7) the number of animals over four weeks of age that received vaccinations upon intake, and the number of animals over four weeks of age that did not receive vaccinations upon intake;
- (8) the amount of money paid to third-party providers of services to the City-operated animal shelter for emergency medical treatment, spaying or neutering, or post-adoption care;

- (9) the number of animals spayed or neutered at the shelter, and the number of animals spayed or neutered outside the shelter under a contract with the City of Austin;
- (10) the number of animals that died in the shelter or within the shelter's foster program, and the suspected cause of death for each;
- (11) the number of animals transferred to a rescue organization, and unless a rescue organization opts out of the disclosure in writing, the number of animals transferred to and identity of each rescue organization that accepted transferred animals during the period;
- (12) the number of spays performed on animals that are visibly pregnant;
- (13) the number of animals lost, stolen, or missing;
- (14) the City-operated animal shelter's live-release-rate goal;
- (15) the number of cats released under the animal shelter's shelter-neuter-return program, reported by age group; under three months, three to six months, and older than six months; and
- (16) the number of intact animals adopted or returned to owner, and an explanation for each.

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

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

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

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

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

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

Level 6: Victim dead.


PART 6. Parts 2 and 4 of this ordinance take effect on February 12, 2024. Parts 1, 3, and 5 of this ordinance take effect on August 1, 2024.

PASSED AND APPROVED

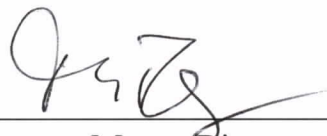
_____, February 1, 2024

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Mayor Kirk Watson

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Myrna Rios
City Clerk