

CHAPTER 3-4. REGULATION OF DOGS AND CATS.

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ARTICLE 1. GENERAL RESTRICTIONS.

§ 3-4-1 UNRESTRAINED DOG PROHIBITED.

(A) Except as provided in Section 3-4-4 (*Public Areas Where Restraint of a Dog is Not Required*), an owner or handler of a dog shall keep the dog under restraint.

(B) A person holding a dog on a leash or lead shall keep the dog under control at all times.

Source: 1992 Code Section 3-3-2(A) and (B); Ord. 031009-9; Ord. 031211-11.

§ 3-4-2 RESTRAINT REQUIREMENTS FOR DOGS ON PRIVATE PROPERTY.

(A) Except as provided in Subsection (B), a person may not restrain a dog with a chain or tether unless the person is holding the chain or tether.

(B) The prohibition of Subsection (A) does not apply to a temporary restraint:

(1) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(2) that is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

(C) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

(D) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.

(E) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

(F) A person may not keep six or more dogs, other than puppies less than six months old, unless the dogs are kept in an enclosure that meets the requirements prescribed by Section 3-2-13 (*Enclosure for Dogs*).

Source: 1992 Code Sections 3-1-2 and 3-3-8; Ord. 031009-9; Ord. 031211-11; Ord. 20070607-011.

§ 3-4-3 IMPOUNDMENT OF AN UNRESTRAINED DOG.

A city employee may enter property to impound an unrestrained dog. Except as authorized by subpoena or court order, a city employee may not enter a private residence to impound a dog without first obtaining permission from an adult resident.

Source: 1992 Code Section 3-3-2(C); Ord. 031009-9; Ord. 031211-11.

§ 3-4-4 PUBLIC AREAS WHERE RESTRAINT OF A DOG IS NOT REQUIRED.

An owner or handler may allow a dog to be without restraint as otherwise required by this title in the following places:

(1) the portion of Auditorium Shores that is designated by City signs clearly stating the area that is off-leash;

- (2) the portion of Zilker Park bounded by Stratford Drive, Barton Springs Road, and Park River Road;
- (3) the right-of-way of Far West Boulevard between Great Northern Boulevard and Shoal Creek Boulevard;
- (4) the portion of Robert Mueller Municipal Airport land bounded by Old Manor Road, Manor Road, the airport fence, and Lovell Drive;
- (5) Red Bud Isle east of Red Bud Trail;
- (6) the portion of Onion Creek District Park south of Chunn Road;
- (7) the portion of Northeast District Park bounded by Lake Long Road, Crystal Brook Drive, and the Missouri-Kansas-Texas Railroad right-of-way;
- (8) the portion of Walnut Creek District Park bounded by Cedar Bend Drive, Walnut Creek, and the park fence on the west and east sides;
- (9) the portion of Lake Austin Metropolitan Park bounded by Park Drive, the park fence on west side, Turkey Creek, and top ridge of bluff line that overlooks Lake Austin;
- (10) Shoal Creek Hike and Bike Trail from 24th Street to 29th Street; and
- (11) in an area designated by the Director of the Parks and Recreation Department.

Source: 1992 Code Section 3-3-3; Ord. 031009-9; Ord. 031211-11; Ord. 20130606-026.

§ 3-4-5 DOG OR CAT IN HEAT.

(A) An owner or handler may not allow a dog that is in heat to be on the street or in a public place, unless the person is in direct physical control of the dog.

(B) An owner or handler may not allow a cat that is in heat to be outside of a secure building or enclosure unless the owner or handler is in direct physical control of the cat.

Source: 1992 Code Section 3-3-4; Ord. 031009-9; Ord. 031211-11.

§ 3-4-6 DEFECATION BY A DOG OR CAT.

An owner or handler shall promptly remove and sanitarily dispose of feces left on public or private property by a dog or cat being handled by the person, other than property owned by the owner or handler of the dog or cat.

Source: 1992 Code Section 3-3-7; Ord. 031009-9; Ord. 031211-11.

§ 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:

- (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) killed another dog, cat, or other domestic pet, fowl, or livestock; or

(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.

Source: 1992 Code Section 3-3-1, and 3-3-5; Ord. 031009-9; Ord. 031211-11.

ARTICLE 2. RESERVED.

ARTICLE 3. GUARD DOGS.

Division 1. General Provisions.

§ 3-4-41 DEFINITIONS.

In this article:

(1) **COMMERCIAL PROPERTY** means:

(a) land or a building zoned or used for a commercial or business use, including a temporary site; or

(b) a vehicle used for a commercial or business purpose.

(2) **GUARD DOG** means a dog used to protect commercial property.

(3) **HOUSING** means a location where a guard dog is kept when the dog is not used to protect commercial property.

Source: 1992 Code Section 3-3-60; Ord. 031009-9; Ord. 031211-11.

§ 3-4-42 EXCEPTION.

This article does not apply to a guard dog used to protect its owner's private residence, unless the residence is located on commercial property.

Source: 1992 Code Section 3-3-62; Ord. 031009-9; Ord. 031211-11.

§ 3-4-43 OTHER REGULATION.

An owner or handler of a guard dog shall comply with the requirements of this title.

Source: 1992 Code Sections 3-3-61 and 3-3-80; Ord. 031009-9; Ord. 031211-11.

§ 3-4-44 HEALTH AUTHORITY.

(A) The health authority shall prescribe rules to protect the public from accidental contact with a guard dog that is transported or used in a vehicle.

(B) The health authority may inspect and examine a guard dog and commercial property using a guard dog as necessary to determine compliance with this article.

(C) The health authority shall prescribe procedures to:

- (1) apply for a guard dog permit;
- (2) inspect property using or housing a guard dog; and
- (3) issue a guard dog identification tag.

Source: 1992 Code Sections 3-3-61 and 3-3-75; Ord. 031009-9; Ord. 031211-11.

§ 3-4-45 SAFETY REQUIREMENTS FOR USE OF A GUARD DOG.

(A) A person that keeps a guard dog must comply with the safety requirements prescribed by this section.

(B) A guard dog must be kept in housing completely surrounded by an anti-escape fence or in an anti-escape building.

(C) The gate or entrance to an area where a guard dog is housed, used, or trained must be locked unless a person is in direct control of the guard dog.

(D) The area outside a building patrolled by a guard dog must be enclosed with anti-escape devices, and either:

- (1) a fence not less than six-feet tall constructed out of chain link or an equally secure fencing material, including wood; or
- (2) a wall.

(E) Exterior glass must be installed in a building patrolled by a guard dog that is strong enough to prevent the guard dog from breaking through the glass, and any additional protective measures required by the health authority must be taken.

(F) A person using a guard dog to protect a building or outside area must post signs approved by the health authority at intervals of no greater than 200 feet apart along the perimeter of the property, at each corner of the property, and at each entrance to the building or outside area.

(G) A person transporting or using a guard dog in a vehicle shall comply with the rules prescribed by the health authority.

(H) The health authority may require a person to implement additional safeguards to protect the public from accidental contact with a guard dog.

(I) The health authority may require a sight barrier to break a guard dog's line-of-sight.

Source: 1992 Code Section 3-3-61; Ord. 031009-9; Ord. 031211-11.

§ 3-4-46 HANDLER REQUIRED.

A handler shall be physically present if a guard dog is used on a temporary site or commercial property that does not comply with this article.

Source: 1992 Code Section 3-3-61; Ord. 031009-9; Ord. 031211-11.

Division 2. Guard Dog Permit.

§ 3-4-61 PERMIT REQUIRED.

(A) Before a person may use or house a guard dog, the person must obtain a permit for the property.

(B) The permittee shall display a permit issued under this article at the approved commercial property.

Source: 1992 Code Section 3-3-75, and 3-3-79; Ord. 031009-9; Ord. 031211-11.

§ 3-4-62 PERMIT APPLICATION.

(A) An application for a permit under this article must include:

(1) the business name, address, and telephone number of the commercial property where a guard dog is to be used;

(2) the name, address, and telephone number of a handler who will be available for contact 24-hours a day;

(3) the number of dogs to be used and a general description of their use;

(4) the location where a guard dog is to be housed; and

(5) any other information required by the health authority.

(B) A permittee shall immediately notify the health authority of a change to the information required by Subsection (A).

Source: 1992 Code Section 3-3-76; Ord. 031009-9; Ord. 031211-11.

§ 3-4-63 INSPECTION.

On receipt of an initial or a renewal application, the health authority shall inspect the property where a guard dog is to be used or housed.

Source: 1992 Code Section 3-3-77; Ord. 031009-9; Ord. 031211-11.

§ 3-4-64 PERMIT FEE AND ISSUANCE.

After the health authority inspects and approves the property where a guard dog is to be used or housed and the applicant pays the permit fee established by ordinance for each approved property, the health authority shall issue a permit for the property.

Source: 1992 Code Section 3-3-77; Ord. 031009-9; Ord. 031211-11.

§ 3-4-65 PERMIT TERM AND RENEWAL.

(A) The health authority may issue a permit under this article for a one-year term.

(B) A person may apply for a renewal permit and pay the renewal fee established by ordinance not later than the 30th day after the expiration of a permit.

(C) A renewal application must include the information required by Section 3-4-62 (*Permit Application*).

Source: 1992 Code Section 3-3-78; Ord. 031009-9; Ord. 031211-11.

§ 3-4-66 PERMIT TRANSFER.

(A) Except as provided in Subsection (B), a person may transfer a permit authorizing the use of a guard dog at one location to a new location operated by the same person or business.

(B) A person may not transfer a permit under this section unless:

(1) the person notifies the health authority at least five business days before the date of the requested transfer;

(2) the health authority inspects and approves the new location; and

(3) the person submits to the health authority the information required under Section 3-4-62 (*Permit Application*) for the new location.

Source: 1992 Code Sections 3-3-75 and 3-3-79; Ord. 031009-9; Ord. 031211-11.

§ 3-4-67 GUARD DOG IDENTIFICATION TAG.

(A) The health authority shall issue a guard dog identification tag for each dog authorized under a permit.

(B) A person shall affix a guard dog identification tag to the collar of a guard dog.

Source: 1992 Code Section 3-3-77, and 3-3-79; Ord. 031009-9; Ord. 031211-11.