



City of San Antonio

Agenda Memorandum

File Number:
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Agenda Item Number: 2

Agenda Date: June 26, 2024

In Control: Governance Committee Meeting

DEPARTMENT: Animal Care Services

DEPARTMENT HEAD: David McCary (Interim)

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Council Consideration Request on Dangerous and Loose Dogs

SUMMARY:

On May 2, 2024, Councilmember Alderete Gavito issued a Council Consideration Request for the safety measures for loose and dangerous dogs.

BACKGROUND INFORMATION:

Increased Fines for Repeat Offenders:

Under the current Chapter 5 Code, the minimum fine amount for a first offense is \$100.00, then \$200.00 for second offense, and \$300.00 for the third offense. Prosecution utilizes these minimum fine amounts when they prosecute Chapter 5 Code citations in Municipal Court. All Chapter 5 Code cases require a personal court appearance. Upon a finding of guilt, the judge, when imposing a fine and costs, will inquire whether the defendant has sufficient resources or income to pay all or any part of the fine and costs imposed. If the judge determines that the defendant does not have

sufficient resources or income, the court will decide whether the fine and costs should be paid at a later date, paid in specified portions over designated intervals, discharged through community service, or waived in full or in part or satisfied through any combination of these methods. (Art. 45.041).

Sterilization of Owned Pets Free of Restraint:

San Antonio has a high number of dogs that are unrestrained. Many of these pets are actually owned and are allowed to roam free as a result of irresponsible pet owners or a lack of understanding of the law. Pets allowed to free roam are a safety problem for people, other pets and themselves. Under City of San Antonio City Code Chapter 5, any owned animal found to be free of restraint is subject to mandatory sterilization (spayed/neutered) within 30 days of the notification of the violation.

ACS has programs designed to educate residents about the dangers of allowing your pet to free roam and help owners keep their pet safely restrained on their property. These range from marketing campaigns to providing resources to help residents comply with the law.

For FY 2024, ACS anticipates approximately 4,800 of the pets impounded, are reclaimed by the owner unsterilized.

Currently if a dog is found free of restraint ACS will impound the dog and attempt to locate the owner. If an owner is located, an Animal Care Officer (ACO) will return the pet to the owner and issue up to three criminal citations for: free of restraint, failure to provide proof of rabies vaccination, and failure to microchip. Additionally, the owner is given a sterilization agreement which requires them to have their pet sterilized within 30 days or face citations for failure to do so.

If no owner is located after the pet is impounded, the pet is transported to ACS for sheltering. ACS has five days to locate the owner to reclaim the pet. If the owner reclaims the pet they receive the same sterilization agreement, and are charged any fees associated with boarding and vaccinations. If not reclaimed, the pet is eligible for placement or euthanasia.

Dogs involved in a bite, as well as dogs deemed aggressive or dangerous, are required to be sterilized under City ordinance and state law. ACS does a small number of surgeries of these pets on-site.

Although state law allows animal shelters to spay and neuter owned animals without requiring the owners to surrender their animals, ACS's current practice is to require consent to treat an owned pet. Currently, ACS does not have the veterinarians, the operational capacity or kennel space to sterilize the estimated 4,800 intact pets annually at this time. However, ACS provides up to 26,000 free and low-cost spay/neuter surgeries for the community through several partners. Additionally, all pets adopted or rescued through ACS are sterilized if they can medically undergo surgery. Free community surgeries are based on zip codes in equity atlas scores of seven or higher. ACS reimburses the surgery provider an average of \$128 per pet for free community surgeries. Low-cost surgeries are available for all San Antonio residents and cost residents an average of \$125 per pet depending on the size, gender, and dog or cat.

Pseudonym Program on Dangerous Dog Affidavit:

The City's dangerous and aggressive dog laws are taken directly from State law. If a dangerous or aggressive dog is reported, Animal Care Officers will investigate if certain legal criteria are met. In order to begin an investigation, a resident must complete the affidavit and detail the incident.

Once received, ACS will begin an investigation of the incident to determine if there has indeed been a violation of the existing law. If the animal's owner is in violation, they can be held liable both civilly and criminally.

A form utilizing a Pseudonym can be used initially to make a complaint along with the State mandated form currently used. As long as the Dangerous Dog designation is not challenged the actual name need not be disclosed. However, once appealed to an appellate court then the actual name must be disclosed.

Currently the dangerous dog affidavit requires a sworn, notarized statement from the complainant which tracks the language from Texas Health and Safety Code statute 822.041 which defines what a Dangerous Dog is. This form will still be executed as always, but the second pseudonym form could also be completed at the same time.

ISSUE:

This item is for briefing purposes only.

FISCAL IMPACT:

This item is for briefing purposes only.

ALTERNATIVES:

This item is for briefing purposes only.

RECOMMENDATION:

Staff will brief the Public Safety Committee to get feedback on the program scope, better inform a future funding discussion, and revisions to City of San Antonio City Code Chapter 5.