

## § 3-1-1 - DEFINITIONS.

In this title:

- (1) ANIMAL SHELTER means an impound facility owned, operated, leased or contracted for by the City.
- (2) BULL HOOK means a tool, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike and hook attached to a shaft or handle.
- (3) DANGEROUS ANIMAL means, regardless of the individual animal's age or health:
  - (a) An animal of a species defined as a "dangerous wild animal" in Subchapter E (*Dangerous Wild Animals*), Chapter 822 (*Regulation of Animals*), of the Texas Health and Safety Code; or
  - (b) An animal of any other species of wild or feral mammal or reptile that by its nature or breeding is capable of inflicting serious bodily injury to a human.
- (4) DECLAWING means the surgical removal of an animal's claws or use of an animal's claws by means of an onychectomy, partial or complete phlangectomy, or partial or complete tendonectomy.
- (5) ENCLOSURE means a pen, cage, coop, loft, stable, shed, structure or enclosure used to house a bird, fowl, livestock, or other animal.
- (6) FOWL includes a chicken, turkey, goose, guinea hen, or duck.
- (7) HANDLER means a person who has charge, care, custody, or control of an animal.
- (8) IRREMEADIABLY SUFFERING means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.
- (9) LICENSED VETERINARIAN means a veterinarian licensed to practice veterinary medicine in the State of Texas.
- (10) LIVESTOCK means a horse, mule, jack, jennet, cow, bull steer, hog, pig, swine, sheep, or goat, other than a miniature breed.
- (11) MINIATURE LIVESTOCK means livestock that meet the published breed definition for registration by a nationally recognized breeding association.
- (12) OFF-SITE RETAIL SALE means the exchange of consideration for a cat or dog, regardless of the age of the cat or dog, at a location other than where the cat or dog was bred.
- (13) OWNER means a person who owns, feeds, keeps, maintains, or harbors an animal or who knowingly allows an animal to remain on the person's property.
- (14) PET TRADER means a person who exchanges for consideration dogs or cats, including puppies and kittens, regardless of age of the dog or cat. The term excludes the City of Austin

animal shelter or a City of Austin animal shelter certified partner or a not for profit 501(c)(3) animal welfare organization registered with the City.

- (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.
- (16) RESCUE ORGANIZATION means an organization that is:
  - (a) described in Section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and that is also;
  - (b) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals that has entered or enters a rescue partner agreement with the City animal shelter and remains in compliance with the agreement; and
  - (c) that does not have an officer, board member, staff member or volunteer who has a case pending or has been convicted of a criminal offense having as its primary effect the prevention or punishment of animal neglect or animal cruelty or dog fighting with such disqualification as a rescue organization continuing until such time as that officer, board member, staff member or volunteer is no longer associated with the organization.
- (17) RESTRAINT used with respect to a dog or cat means:
  - (a) kept in a secure enclosure; or
  - (b) kept under the direct physical control of the animal's owner or handler by a leash, cord, chain, or similar direct physical control.
- (18) RETAIL SALE means the exchange for consideration for a cat or dog, regardless of the age of the cat or dog.
- (19) RUNNING AT LARGE means an animal not:
  - (a) under the direct physical control of its owner or handler; or
  - (b) physically restrained within the premises of its owner or handler.
- (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.
- (21) SMALL ANIMAL means a small animal kept domestically, including a rabbit, guinea pig, rat, mouse, hamster, or gerbil.
- (22) THERAPEUTIC PURPOSE means a procedure necessary to address an animal's physical medical condition. Therapeutic purpose includes procedures that address an existing or

recurring illness, infection, disease, injury, or abnormal condition that compromises the animal's health.

- (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.

*Source: 1992 Code Sections 3-1-1, 3-1-2, 3-1-3, 3-2-2, 3-2-4, 3-3-1, 3-3-60, and 3-3-90; Ord. 031009-9; Ord. 031211-11; Ord. 20050818-044; Ord. 20070607-011; Ord. 20080228-057; Ord. 20090723-042; Ord. 20101216-024; Ord. No. 20150806-051, Pt. 1, 10-1-16; Ord. No. 20191017-025, Pt. 2, 10-28-19; Ord. No. 20201112-002, Pt. 1, 11-23-20; Ord. No. 20210304-003, Pt. 1, 3-15-21.*

### 3-2-9 - PRACTICE OF DECLAWING CATS.

- (A) Except as provided in subsection (C), a person may not perform or procure a procedure that results in the partial or complete declawing of a cat for any reason.
- (B) A person who declaws a cat, or who procures the declawing of a cat, as set forth in subsection (A) commits a violation.
- (C) It is an affirmative defense to prosecution that the declawing was done for a therapeutic purpose.

Source: Ord. No. 20210304-003, Pt. 2, 3-15-21.

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