

**ORDINANCE NO. 20070607-011**

**AN ORDINANCE AMENDING TITLE 3 OF THE CITY CODE RELATING TO THE RESTRAINT OF AND ENCLOSURES FOR DOGS.**

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

**PART 1.** Section 3-1-1(10) (*Definitions*) of the City Code is amended to read:

(10) RESTRAINT used with respect to a dog or cat means:

(a) kept in a secure enclosure;

~~[(b) kept on the owner's or handler's property by means of a chain or tether;]~~ or

(b) [(e)] kept under the direct physical control of the animal's owner or handler by a leash, cord, chain, or similar direct physical control.

**PART 2.** Section 3-2-13 (*Enclosure For Dogs*) of the City Code is amended to read:

**§ 3-2-13 ENCLOSURE FOR DOGS.**

(A) An outdoor enclosure used to keep six or more dogs, other than puppies less than six ~~[four]~~ months old, must be located at least 50 feet from an adjacent residence or business, excluding the residence or business of the owner or handler of the dogs.

(B) An outdoor enclosure used as the primary living area for a dog or used as an area for a dog to regularly eat, sleep, drink, and eliminate must have at least 150 square feet of space for each dog six months of age or older.

**PART 3.** Section 3-4-2 (*Restraint Requirements For Dogs On Private Property*) of the City Code is amended to read:

**§ 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. [A person may not restrain a dog by a fixed point chain or tether for more than eight hours in a 24 hour day unless the chain or tether is at least 10 feet long, has swivels at each end, and is attached to a pulley or trolley mounted cable that is mounted no more than seven feet above ground level.]

(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) [(B)] 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) [(C)] A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water. [A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.]

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

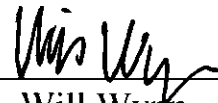
(F) [(E)] A person may not keep six or more dogs, other than puppies less than six [four] months old, unless the dogs are kept in an enclosure that meets the requirements prescribed by Section 3-2-13 (*Enclosure for Dogs*).

**PART 4.** This ordinance takes effect on October 1, 2007.

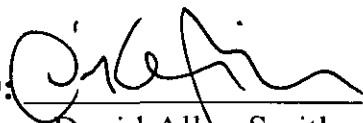
**PASSED AND APPROVED**

June 7, 2007

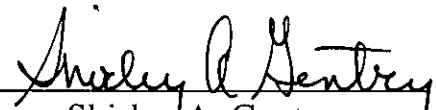
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Will Wynn  
Mayor

APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Gentry  
City Clerk