



**TO:** Mayor and Council

**FROM:** Tawny Hammond, Chief Animal Services Officer

**DATE:** June 22, 2016

**SUBJECT:** Item #2 on the June 23, 2016 Council Agenda

---

The memorandum is to offer background information regarding the pending ordinance to repeal and replace sections 3-1-25 and 3-1-26 of the city code relating to the reclamation of an impounded animal and the disposition of an unclaimed impounded animal.

The Texas Supreme Court recently issued its opinion in *Lira v. Greater Houston German Shepherd Dog Rescue* in which a dog escaped from its home with no collar or microchip, was brought to city shelter and was transferred to a rescue group after the expiration of the hold period. When the original owner inquired about the dog, she learned the dog had been transferred to a rescue group and when the rescue would not return the dog to her, she sued and got her dog back. This decision has legal implications for every municipality in Texas. It can be interpreted to mean a city may not obtain legal ownership of an impounded animal, even following the stray hold period, unless the city's hold period ordinance expressly says so. This means cities need to have local ordinances clearly stating that the city takes ownership of the animal following the stray hold period. The stray hold period is the mandatory number of days a shelter has to hold an animal before the City can destroy, adopt or transfer the animal to another shelter or rescue group.

The updated ordinance does two things:

- It makes it clear that the city takes ownership of an animal following the existing three-day hold period and
- It codifies existing Austin Animal Center practices mandated by the City Council's No Kill Implementation Plan related to animals.

Several questions have arisen since the ordinance was introduced and I wanted to offer clarification:

First, this ordinance in no way changes the stray hold period. The stray hold period has been three days for at least the past 15 years. Second, the recommended ordinance reflects current practices of Austin Animal Services.

Section D adds an additional protection for pet owners so their pet may be transferred to a rescue group during the stray hold period to save the pet's life. Not only does it give the animal center the authority, in order to save an animal's life, to transfer an impounded animal during the stray hold period, it also makes it clear the transfer partner does not become the owner of the animal until the conclusion of the stray hold period. This reflects the shelter's current practice of transferring medically compromised animals such as neo-natal kittens and puppies with Parvovirus to rescue partners during the stray hold. The ability to transfer young, sick and otherwise medically-compromised animals to rescue during the stray-hold period is critical to maintaining No Kill. These are animals that require around-the-clock care and would die or be euthanized if they could not be physically moved to a rescue partner organization until after the hold period's expiration. This practice has enabled us to save over 1,500 animals per year that would have otherwise been euthanized. The updated ordinance also clarifies these animals will only be transferred inside Travis County during the stray hold period.

Section H confirms that neither the seven-day waiting period for euthanasia described in Section A nor the transfer of animals to rescue partners described in section D applies to dangerous dogs as defined by City Code.

Should you have any questions or concerns, please feel free to contact me at 512-978-0536 or Deputy Chief Animal Services Officer Kristen Auerbach at 512-993-8242.

Cc: Marc A. Ott, City Manager  
Bert Lumbreras, Assistant City Manager