

SECTION 8 - UNLAWFUL RESTRAINT OF DOGS

8.1 UNLAWFUL RESTRAINT: A person who owns or has custody or control of a dog and who uses a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system shall comply with Chapter 821, Subchapter D, sections 821.076 through 821.081 of the Texas Health and Safety Code, as amended. Dogs must have a properly fitted collar and restraint system as required by Subchapter D, Chapter 821 of the Texas Health and Safety Code.

8.2 REGULATIONS: A person who owns or has custody or control of a dog may not leave a dog outside and unattended by use of a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system that: unreasonably limits the dog's movement: between the hours of 10 p.m. and 6 a.m.; or is located within five hundred (500) feet of a school; or occurs during extreme weather conditions as defined in Subchapter D, Chapter 821 of the Texas Health and Safety Code.

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8.3 UNREASONABLE LIMIT OF MOVEMENT: A chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system unreasonably limits a dog's movement if it:

- a) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
- b) is a length shorter than the greater of:
 - 1) five (5) times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - 2) ten (10) feet;
- c) is in an unsafe condition; or
- d) causes injury to the dog.

8.4 VIOLATIONS AND PENALTY FOR VIOLATION:

- a) A person commits an offense if the person knowingly violates this subchapter.
- b) A peace officer or Animal Control Officer who has probable cause to believe that an owner is violating Subchapter D, Chapter 821 of the Texas Health and Safety Code shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.
- c) A person commits an offense if the person is provided a statement described by Subsection B and fails to comply with Subchapter D, Chapter 821 of the Texas Health and Safety Code within twenty-four (24) hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.
- d) A person commits an offense if the person violates Subchapter D, Chapter 821 of the Texas Health and Safety Code and previously has been convicted of an offense under Subchapter D, Chapter 821 of the Texas Health and Safety Code. An offense under this subsection is a Class B misdemeanor.
- e) If a person fails to comply with Subchapter D, Chapter 821 of the Texas Health and Safety Code with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
- f) If conduct constituting an offense under Subsection D, Chapter 821 of the Texas Health and Safety Code also constitutes an offense under any other law, the actor may be prosecuted under Subchapter D, Chapter 821 of the Texas Health and Safety Code, the other law, or both.

Section 821.080. DISPOSITION OF PENALTY. Notwithstanding any other law, the clerk of a court that collects a penalty under Subchapter D, Chapter 821 of the Texas Health and Safety