

# ANIMAL SERVICES ADVISORY COMMITTEE

February 20, 2008

6:30 P.M.

## MINUTES

**Members Present:** Pat Jackson, Chairperson, Animal Shelter Representative  
Gene Carey, Mayor, Council Representative  
Martin Newcomb, DVM, Vice Chairperson, Veterinarian Representative  
Nick Rudolph, Animal Welfare Organization Representative  
Cynthia Lombardo, Citizen at Large  
Judy Cromwell, Citizen at Large  
Pam Henricks, DVM, Citizen at Large

**City Staff Present:** Deborah Dierks, Secretary

**Item #1:** Mr. Jackson called the meeting to order at 6:38 p.m. All seven (7) Committee members were present, constituting a quorum.

**Item #2:** Minutes from the October 23, 2007 meeting were approved by a vote of 7-0.

**Item #3:** Mr. Jackson presented a brief review of information which had been presented and discussed at the October 23, 2007 committee meeting relating to tethering dogs in the city. H.B. 1411 was enacted by the state legislature as Texas Health and Safety Code Chapter 821, Subchapter D, which became effective on September 1, 2007. The new law makes it unlawful to tether a dog: During specific periods of the day; or under certain environmental conditions; or under unsafe conditions; or by use of certain types of collars. After the new law was enacted, staff sought assistance from the City Attorney's Office to write a draft ordinance addressing tethering dogs in the City, for review by the Animal Services Advisory Committee and subsequent proposal to the City Council for consideration and possible approval. The draft ordinance was included in the Committee meeting packages for review by the members prior to the meeting. The draft ordinance requires that unattended tethered dogs be confined within an entirely enclosed yard or other enclosed area. The purpose for this requirement is to help protect tethered dogs from attacks by other animals, and to prevent unauthorized access to the dog's area by people, particularly young children who may unwittingly enter the area. If the draft ordinance is enacted, the current City of Lewisville Code of Ordinances Section 3-64, relating to the tying of animals in general, would be deleted; the revised ordinance would only address the unlawful tethering of dogs. The tethering or tying of other animals such as goats or horses would not be addressed; such incidents are a very rare occurrence in

the city. If adopted by the City Council, the requirements presented in the draft ordinance can be revised and made more stringent in the future, if necessary.

Mr. Jackson then disclosed that the cities of Fort Worth and Irving have enacted ordinances that are more stringent than the state requirements, and Lewisville's draft ordinance proposal; the Fort Worth and Irving ordinances make it unlawful for a person to leave a tethered dog unattended at any time. Copies of those ordinances were included in the Committee meeting packages for members to review prior to the meeting. Mr. Jackson stated that he was informed by animal services supervisors for these cities that they plan to give their citizens some time to adjust to the new ordinances; over the next 6-12 months they plan to focus on educating the public about the new ordinances, and plan to issue citations only in extreme circumstances. They will also be evaluating the new ordinances for any revisions that may be needed; they expressed some concern about loop holes that may surface as time goes by, and plan to address them as they are encountered. Mr. Jackson will maintain contact with those supervisors to learn what revisions they consider or implement to address any loop holes that may materialize.

The Committee engaged in general discussion about the draft ordinance prepared by the City Attorney's Office and about the Fort Worth and Irving tethering ordinances.

Mayor Carey asked if Animal Services receives a high amount of tethered dog calls to warrant a more stringent ordinance. Mr. Jackson responded that Animal Services does not receive a lot of calls about tethered dogs.

A Committee member inquired about the possibility of posting the pictures of dangerous dogs and their locations online. Mr. Jackson stated that staff had consulted with the City Attorney's Office about this issue, and that the recommendation at this time was to not engage in this type of activity.

Mayor Carey made a motion to table further action on the tethering ordinance so staff can obtain more information about how the ordinances in Fort Worth and Irving are working. He also wants staff to present the current draft ordinance, along with a draft ordinance similar to Fort Worth and Irving, at the next meeting for the Committee to look at and subsequently propose to City Council for consideration and possible adoption.

The motion was seconded by Dr. Henricks and passed by a vote of 6-1. Dr. Newcomb opposed the motion and stated that he felt the Committee had already discussed this issue enough and needed to move on and propose an ordinance recommendation for Council consideration and approval.

**Item #4:** Mr. Jackson briefly summarized previous Committee discussions on the subject of transporting animals in the open bed of a motor vehicle. The Committee has previously concluded that an animal control ordinance prohibiting transporting animals in the open bed of a motor vehicle would be unenforceable for animal control officers, because they do not have authority to make traffic stops. He also stated that Animal Services receives very few, if any calls of this type annually.

Animal Services surveyed ten (10) cities in the surrounding area to find out how they handle this issue. He informed the committee that three (3) of the cities surveyed do have ordinances about transporting animals in the open bed of motor vehicles; the cities are Plano, Dallas and the Town of Flower Mound. Animal services staff for these cities stated that they receive very few complaints about animals transported in the back of vehicles, and that their ordinances are essentially unenforceable since animal control officers cannot stop vehicles. Plano Animal Services reported that they have had one (1) person use the ordinance to charge a man who the person had observed transporting his dog in the back of his truck on many occasions; other than that, there has been no enforcement of the ordinance that they could recall.

Dr. Newcomb stated that he would like to see an ordinance on the books so that if the situation were to arise, there would be something to enforce.

Mayor Carey countered that putting a law on the books that is virtually unenforceable is not a feasible idea.

Judy Cromwell stated she liked how the Flower Mound ordinance addressed the issue, but conceded that it really did not seem to have any bite to it.

More discussion ensued about ways to educate the public about this issue. Mayor Carey stated that he could present this issue to state representatives who may be able to address it in the state legislature.

Dr. Newcomb made a motion that the Committee not pursue this issue any further at this time.

The motion was seconded and passed by a vote of 7-0.

Mr. Jackson then took a few moments to briefly update the Committee about activities at Animal Services, including: A feasibility study for a new animal shelter and adoption center will commence in a couple of weeks; with regard to staffing, two (2) new officers have been hired, one (1) officer is expected to return to work after a lengthy absence, one (1) full time shelter staff member is expected to continue to be absent on medical leave for several more weeks, and

the part time shelter attendant position remains vacant; the City has a new Emergency Management Coordinator, Summer Wilhelm, who will be invited to attend a future Committee meeting.

**Item #5:** Mr. Jackson informed the Committee that they will be notified of the date, time, and location for the next meeting.

**Item #6:** The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

**THESE MINUTES ARE APROVED BY  
THE CITY OF LEWISVILLE ANIMAL SERVICES  
ADVISORY COMMITTEE**

Deborah Dierks  
Secretary

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**PAT JACKSON, CHAIRPERSON**

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**DR. NEWCOMB, VICE-CHAIRPERSON**