



INFORMATION FOR CLIENTS OF TEXAS ATTORNEYS

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Your Furry Friends and the Law

BY YOLANDA EISENSTEIN

Many of us have pets, but we may not know the various laws that regulate the ownership and treatment of our pets. Animals are unique under the law. While legally considered “property,” they are living creatures and we cannot

treat them as we would our car or furniture. There are animal-specific rules and regulations that prescribe the proper behavior for us as owners, and our pets. New laws continue to be passed in response to the growing number of households with pets and their increasing importance in our lives.

What are the laws regulating pet ownership in Texas?

City ordinances in Texas cover everything from pet registration and vaccinations to defining the difference between inoffensive barking and unlawful barking.

Proper restraint, also known as leash laws, requires us to keep our dogs on leashes when in public areas. But restraint can also be improper, such as tethering an animal in a manner considered inhumane or dangerous. State law

prohibits an owner from leaving a dog “outside and unattended by use of a restraint that unreasonably limits the dog’s movement” between 10 p.m. and 6 a.m., within 500 feet of a school, or in extreme weather conditions. Beyond the humane aspect, cities are enacting anti-tethering laws due to evidence that shows a tethered dog is more likely to be aggressive. Tethering eliminates one of a dog’s options when afraid, which is to retreat. Without the ability to retreat, the dog may become aggressive.

Most recently, cities are passing ordinances that mandate limits on the number of animals per household and require owners to spay or neuter their pet by a certain age. Most of these ordinances “grandfather” current owners who exceed limits and make various exceptions for breeders, show animals, and rescue groups. While controversial, these restrictions are gaining favor with cities as a way to stem overpopulation in shelters.

What constitutes animal cruelty?

While animal advocates have been pushing awareness of the seriousness of animal cruelty for years, the subject recently has gained widespread attention with the Michael Vick dogfighting case. In Texas, Section 42.09 of the Penal Code defines cruelty to livestock and Section 42.092 defines cruelty to





non-livestock animals. Cruelty to domestic animals includes, among other acts: torture; failure to provide food, water, care, or shelter; transporting or confining in a cruel manner; unreasonable abandonment; and seriously overworking an animal.

The seriousness of the offense varies by the act committed and whether the offender has prior convictions. Punishment can range from a small fine to up to 10 years' imprisonment. Know the law and know how to report cruelty in your city.

My dog has bitten a person. What happens now?

The short answer is, "it depends." Reporting a dog bite starts a chain of events that ends with a determination of whether the dog should be considered dangerous, hence a threat to the general public. Of course, some bites never get reported, but if the bite is reported or is serious enough to require medical care, the designated animal control authority in that city will take action. The dog will be quarantined to ensure it does not have rabies. Animal control then will conduct an investigation of the incident. Factors such as whether the incident occurred on the owner's property and whether the attack was provoked are relevant to an investigation.

If animal control deems the dog dangerous, the owner may appeal the decision and a court hearing is then held for a judge to make a determination. The hearing is a formal judicial proceeding, where both sides are allowed to present evidence to show that the dog is or is not dangerous. The remedies available to the judge may vary, but if the judge finds that the dog is dangerous, the owner may be required to remove the dog from the city or have it euthanized.

Some cities place restrictions on ownership, such as requiring liability

insurance, registration, and regular reporting. As for civil liability, that is left to the owner and the person bitten to resolve. Again, the circumstances will be important if a suit is filed.

Even the most mild-mannered dog can turn aggressive under certain situations. Children are particularly vulnerable to dog bites because they don't sense a dog's danger signals in the same way adults do and children's behavior can be confusing to dogs. The message here is that responsible ownership goes a long way in preventing trouble.

My dog injured my neighbor's cat. What happens now?

Again, it depends. State law sets the statutory framework and gives counties and municipalities the authority to place additional restrictions or requirements on dangerous dogs. State law in Texas is particularly focused on protecting livestock, so the law addresses domestic animals that injure livestock. Find out which rules apply in your city. ✦

YOLANDA EISENSTEIN is a sole practitioner in Dallas whose firm is dedicated to the practice of animal law. For more information, visit www.animallawoffice.com.



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