

**CITY OF ALPINE
ANIMAL ADVISORY BOARD MEETING
TUESDAY, JANUARY 9, 2024 - 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE ANIMAL ADVISORY BOARD OF THE CITY OF ALPINE, TEXAS, WILL HOLD A MEETING AT 6:00 P.M. ON TUESDAY, JANUARY 9, 2024, AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

AGENDA –

- 1. Call to Order.**
- 2. Determination of quorum.**
- 3. Public Comments** (limited to three minutes per person).
- 4. Approval of minutes of the previous meeting –**
 - a) October 10, 2023 Regular Meeting Minutes. (P. Culver, Chair)
- 5. Public Hearings –**None.
- 6. Discussion Items –**
 - a) Discuss – 10-186 (b) Dangerous Dog Determination, 10-118 Impoundment, and 10-148 (b) Report of rabies, suspects, quarantine method and testing. (P. Culver, Chair)
- 7. Action Items –**None.
- 8. Board Member Comments.**
- 9. Adjourn. -Next Meeting – April 9, 2024.**

NOTICE: This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-330 I, option 1, or email city.secretary@cityofalpine.com for further information.

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on January 5, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.


Geoffrey R. Calderon, City Secretary





**ANIMAL ADVISORY BOARD
MEETING AGENDA ITEM COVER MEMO
JANUARY 9, 2024**

APPROVAL OF MINUTES

- a) October 10, 2023 Regular Meeting Minutes. (P. Culver, Chair)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. Meeting Minutes.

STAFF RECOMMENDATION

APPROVE.

**CITY OF ALPINE
ANIMAL ADVISORY BOARD
TUESDAY, OCTOBER 10, 2023 – 6:00 P.M.
MINUTES**

1. **Call to Order** – Patsy Culver, Chair of the Animal Advisory Board, called the meeting to order at 5:59 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

2. **Determination of quorum.**

Board Members Physically Present:

Councilor Judy Stokes, Board Member
Patsy Culver, Chair of the Board
Jennifer Stewart, Animal Services Supervisor
Pat McCall, Board Member
Mary Ann Vega, Board Member
James Etchison, Board Member
Lauren Spear, Board Member

Board Members Not Present:

Dr. Mary Dodson, Veterinarian Board Member
Manuel Martinez, Board Member

City Staff Present via Zoom:

Geoffrey R. Calderon, City Secretary

3. **Public Comments** – (Limited to 3 minutes per person) –

- Ellen Weed, Ward 3, addressed the board regarding dangerous dogs.

4. **Approval of minutes of previous meetings** –

- a) April 11, 2023 Regular Meeting Minutes

On a motion by Board Member Etchison and seconded by Board Member Vega to approve the meeting minutes, the Animal Advisory Board unanimously voted to adopt the motion.

5. **Discussion** –

- a) Discuss Fiscal Year 2022-2023 objective progress. (P. Culver, Chair)
b) Discuss Fiscal Year 2023-2024 Meeting Calendar. (P. Culver, Chair)
c) Discuss 2023-2024 Fiscal Year objectives. Will include those directed by the City Council (To Be Determined) in addition to specific ordinance and fee reviews from the Board. (P. Culver, Chair)

6. **Action Items** – None.

7. **Board Member Comments.**

On a motion by Board Member Etchison and seconded by Board Member McCall to adjourn, the meeting was adjourned.

8. **Adjourn. (6:36 P.M.)**

Patsy Culver, Chair of the Animal Advisory Board

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on September 29, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@cityofalpine.com for further information.

Geoffrey R. Calderon, City Secretary



**ANIMAL ADVISORY BOARD
MEETING AGENDA ITEM COVER MEMO
JANUARY 9, 2024**

DISCUSSION ITEMS

- a) Discuss 10-186 (b) Dangerous Dog Determination, 10-118 Impoundment, and 10-148 (b) Report of rabies, suspects, quarantine method and testing. (P. Culver, Chair)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. Excerpt from Code of Ordinances:
 - a. Sec. 10-118 Impoundment.
 - b. Sec. 10-148 Report of rabies, suspects, quarantine method and testing.
 - c. Sec. 10-186 Dangerous Dog Determination.
2. Requirements for Home Quarantine.

STAFF RECOMMENDATION

NONE.

Sec. 10-118. Impoundment and destruction.

- (a) Any animal found to be in noncompliance with the provisions of this chapter shall be impounded by the city. In lieu of impoundment, the known owners of such animals may be issued a citation by the city that shall require the owner to appear in a municipal court within ten days to answer a charge of a violation of the provisions of this chapter.
- (b) Reasonable efforts shall be made by the city to promptly notify by telephone or personal contact the owner of any animal impounded, and any animals who are not microchipped shall be microchipped.
- (c) Animals impounded by the city shall be redeemed by the owner upon correction of the reason for such impoundment and the payment of all fees and penalties or upon order of the municipal court unless such animals are being held in quarantine or observation for a bite incident, have been or are under suspicion of having been exposed to rabies, or are being held on a complaint filed against the owner for violation of this chapter in the municipal court of the city. Animals eligible for redemption, if the owner and not redeemed within four days of impoundment become the property of the city. Such animals may be euthanized or the ownership of such animals may be transferred to any competent person; provided, the animals have no history of exposure to zoonotic diseases, are in apparent good health, have no history of biting or attacking a person or other domestic animal, are currently vaccinated against rabies if such animals are dogs or cats, four months of age or older, and the person applying for ownership pays all required fees.
- (d) Any animal impounded and suffering from serious injuries, in apparent great pain or having a disease which would endanger the public health may be euthanized after reasonable efforts to locate the owner have failed and there is no apparent reason for allowing the continued suffering of the animal. Animals may be disposed of prior to 72 hours from the time of impoundment, if upon notification of impoundment, the owner states he does not wish to redeem the animal and releases the animal in writing to the sole jurisdiction of the animal control officer.
- (e) No person shall leave any animal at the animal shelter except when an animal services officer is available to accept the animal.
- (f) Any animal removed from a home or vehicle due to search and seizure, arrest or medical emergency of owner shall be reclaimed by said owner or approved family member/friend no later than the tenth day of the removal of animal and all impound fees are paid in full. If not reclaimed, after the tenth day of impoundment, the animal becomes the property of the city and is subject to adoption or euthanasia if the animal is found not to be adoptable. It is the duty of the arresting agency to provide owner information to the animal services officer and to notify animal services if the owner is being transferred to another facility. Notice will be sent by certified mail during that ten-day period to the last known address with the intention that the animal will become the property of the city and is subject to adoption or euthanasia if the animal is found to not be adoptable.

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2015-11-01, Exh. D, 6-21-16; Ord. No. 2019-12-05, 1-21-20; Ord. No. 2022-02-01, § 1(Exh. A), 3-15-22)

Sec. 10-148. Report of rabies suspects, quarantine method and testing.

- (a) It shall be the duty of every veterinarian to report immediately to the animal control officer his diagnosis of any animal observed by him as a rabies suspect and to make disposition of such confirmed cases of rabies as provided in this article.
- (b) When a dog or cat which has bitten a human has been identified, the owner will be required to place the animal in quarantine. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in either the animal control facility or a facility specified for this purpose, if available. The owner of an animal to be quarantined may request permission from the animal control officer for home quarantine if the following criteria can be met:

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- (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the animal control officer.
 - (2) The animal is currently vaccinated against rabies.
 - (3) The animal control officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the animal control officer must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.
 - (4) The animal is not in violation of any laws at the time of the bite.

No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a state department of health certified laboratory for rabies diagnosis.

(Ord. No. 2008-11-01, § 1, 1-6-09)

Sec. 10-186. Dangerous dogs and animals deemed hazardous to public health and safety.

- (a) It shall be unlawful for any person to own, keep or harbor any dangerous animal within the city provided this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this chapter, a dog may be declared dangerous by an animal control officer or his or her designee (hereinafter referred to as "animal control officer"), after the occurrence of an "incident" defined as either a dog attack causing bodily injury or the dog undertaking an action that causes one to reasonably believe that the dog would attack and cause bodily injury.
- (b) Dangerous dog determination.
 - (1) Once the city becomes aware of an alleged incident, an animal control officer shall complete a thorough investigation process that includes:
 - a. Within ten business days of the city becoming aware of an alleged incident, an animal control officer sending a notification to the dog owner describing the alleged incident, the fact of the initiation of an investigation, and an offer to afford the owner an opportunity to meet with the animal control officer prior to the making of a determination;
 - b. The animal control officer gathering any medical or veterinary evidence and interviewing witnesses; and
 - c. The animal control officer making a detailed written report.
 - (2) No dog shall be deemed a "dangerous dog" if the animal control officer determines the conduct of the dog during the incident was justified because:
 - a. The incident occurred as the result of a person who at the time was committing a crime or offense upon the owner or custodian of the dog, including crimes and offenses of willful trespass or other tort upon the premises or property occupied by the owner of the animal;
 - b. The incident occurred as the result of a person abusing, assaulting, or physically threatening the dog or its offspring;
 - c. The dog was responding to pain or injury or was protecting itself and was not being provoked by its owner, custodian, or a member of its household.
 - d. The testimony of a certified applied behaviorist, board-certified veterinary behaviorist, or another recognized expert indicates to the satisfaction of the animal control officer that the dog's behavior was justified pursuant to the provisions of this section.

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- (3) If the information gathered by the animal control officer's investigation shows by a preponderance of the evidence that the dog should be deemed a "dangerous dog," the owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of:
 - a. The ownership requirements for a dangerous dog;
 - b. The dog owner's right of appeal; and
 - c. The option and process to surrender the dangerous dog.
 - (c) Ownership requirements. If the dog is determined to be dangerous, the owner must:
 - (1) Within 24 hours, register the dog with an animal control officer and pay a fee delineated in Appendix C: Animal Services Fees;
 - (2) Immediately restrain the dog at all times on a leash in the immediate control of a person or enclose the dog either indoors, or in a secure enclosure, being a locked structure of sufficient height and design to prevent the dog's escape and to prevent direct contact with, or entry by, minors, adults or other animals;
 - (3) Within 24 hours, post signs around the secure enclosure with the words "dangerous dog" in font size 72 or larger; and
 - (4) Within 72 hours, obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control officer.
 - (d) Appeal of dangerous dog determination.
 - (1) The owner of a dog found to be a dangerous dog by an animal control officer pursuant to this chapter may file a petition for review of the dangerous dog determination against the city in municipal court within ten days of receipt of notification of the determination for a de novo review of the determination.
 - a. The court shall give written notice of the time and place of any hearing to both the owner of the dog and the animal control officer.
 - b. The proceeding shall be conducted pursuant to the Texas Rules of Civil Procedure and Texas Rules of Evidence.
 - c. Any interested party, including the city attorney, is entitled to present evidence at the proceeding.
 - (2) After hearing all evidence, the court shall determine by preponderance of the evidence whether the dog is dangerous.
 - (3) During the municipal court appeal process, the owner shall comply with the ownership requirements set forth in this chapter.
 - (4) A dog owner or the city may appeal the decision of the municipal court in the manner described by V.T.C.A., Health and Safety Code § 822.0424.
 - (e) The animal control officer may cause the muzzling, secure confinement, removal from the city or humane destruction of any animal for any of the following reasons:
 - (1) Whenever an animal has committed an unprovoked attack upon any person or animal on more than one occasion.
 - (2) Whenever a lawful patron or visitor of a business is jeopardized by a guard dog which is not securely confined during hours such business is open to the public.
 - (f) Any dog which by an attack and regardless of circumstances causes the death of a person shall be deemed hazardous to public health and safety.
 - (g) The owner of any dog deemed to be a hazard to public health and safety shall be held liable for all medical expenses and all other legally allowable damages incurred as a result of an attack by such dog upon a person.

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- (h) The owner of any dog deemed to be a hazard to public health and safety shall be held liable for all veterinary medical expenses and all other legally allowable damages incurred as a result of an attack by such dog upon an owned domestic animal.
 - (i) Any dog deemed to be a hazard to public health and safety shall be surrendered by the owner of such dog immediately upon demand to the city for purposes of euthanizing or shall be delivered by the owner of such dog to a licensed veterinarian for euthanizing, and the owner shall deliver a statement of euthanasia by the veterinarian to the city within 24 hours of receipt of request for the dog by the city.
 - (j) Any dog maintained as a guard dog for purposes of property protection by the owner of such dog at a recognized business establishment and that bites or threatens to bite any person on the property of the business establishment at times other than the normal posted hours of operation of the business establishment shall not be considered a hazard to public health and safety provided such dog is physically securely confined to the boundaries of the property of the business establishment.
 - (k) Dangerous dog removal fee. Any person given the option of removing an aggressive animal from within the city limits instead of being humanely destroyed shall pay a fee delineated in Appendix C: Animal Services Fees along with all other assessed fees involving the dangerous animal.
 - (l) Owner liability. Any owner or custodian of a dog or other animal is guilty of a:
 - (1) Class B misdemeanor if the dog previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
 - (2) Class A misdemeanor if the dog previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury, thereby rendering the dog a hazard to public health and safety.
 - (3) Class A misdemeanor if any owner or custodian whose willful act or omission in the care, control, or containment of a dog or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person, thereby rendering the dog a hazard to public health and safety.
 - (4) Class A misdemeanor if the owner of any animal that has been found to be a dangerous dog willfully fails to comply with the requirements of this section, thereby rendering the dog a hazard to public health and safety.

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2020-10-01, § I(Exh. A), 10-20-20; Ord. No. 2022-05-02, § I(Exh. A), 6-7-22; Ord. No. 2023-05-02, § I(Exh. A), 5-16-23)



Alpine Animals Services Requirements for Home Quarantine

The following is what is required for a home quarantine:

1. Proof of a current rabies vaccination from a licensed veterinarian.
2. Either a completely enclosed pen outside, with no way for the animal to escape or a secure room or indoor enclosure approved by the Animal Services Officer.
3. The owner of the animal has to allow the Animal Services Officer access to the animal at least for the 1st and 10th day of the quarantine.
4. The Animal Services Officer has to approve all aspects of the home quarantine and has the right to deny a home quarantine.
5. The owner must notify Alpine Animal Services immediately if their animal becomes sick or dies during the 10 day quarantine period.

Quarantine must start immediately after the bite occurs. Quarantine will last no less than 10 days to date and time the bite incident happened. Only one person in the household is to care for the animal during the 10 days. The animal is not to be left outside unattended and must stay in the control of a competent adult at all times while outdoors. If the animal is found running loose or left unattended outside and not in a shelter already approved by the Animal Services Officer, the animal will be removed from the property immediately and is required to finish its quarantine at either the Alpine Animal Services Shelter or approved veterinary facility. If the animal becomes sick or dies before the quarantine has ended the owner must notify Alpine Animal Services immediately.

I _____ owner/ guardian of _____ have read and understand that if at any time the requirements put forth in this document are broken that my animal will be removed from my property and my animal will finish its quarantine under the care of the Alpine Animal Services Shelter or approved veterinary facility. I understand that if my animal is placed in a facility that I will have to pay the remaining quarantine cost for that facility in full before I can reclaim my pet. I also understand that my property will be subject to inspection before, during and after quarantine to make sure that my animal is being restrained at all times and that they are in a secure fenced in yard, enclosure or in my home. I understand that if my animal is to become sick or dies during the 10-day quarantine period, I am to notify Alpine Animal Services immediately. I understand that if my animal is to become sick or dies that they may be subject to rabies testing. I understand that if my animal bites another person or animal again that my animal may be deemed dangerous or potentially dangerous under state and local law.

Signature _____ Date: _____