

# Texas Animal Control Association Policy Statements

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# Texas Animal Control Association

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The Texas Animal Control Association is not a governing body, but is an association dedicated to the advancement of Animal Control and Welfare personnel.

The Texas Animal Control Association is a strong supporter of local option and presents these policies in that perspective. The Texas Animal Control Association urges all Animal Control and Welfare agencies to give them serious thought.

The Texas Animal Control Association does not present them as requirements for membership, but rather as worthwhile goals for all to strive toward.

These policies reflect the position of the Texas Animal Control Association on issues contained therein as of the date of this document. Policies may change as information becomes available that will improve the quality of life for the citizens and animals of Texas

### **Purpose and Objectives:**

1. Educate and train Animal Control and Humane personnel.
2. Education of the public in the responsibilities of Animal Control personnel and of the public.
3. Exchange information regarding Animal Control Programs.
4. Provide expertise and guidelines on Animal Control problems to officials at city, county and state levels.
5. Support and assist the Department of State Health Services in the development of standards and certification procedures for Animal Control personnel, as covered under the Texas Health and Safety Codes.
6. Identify and make recommendations on problems requiring further research.
7. Provide liaison with other professional organizations and groups having related interests.

### **Income:**

The Texas Animal Control Association is a 501C3, non-profit, tax-exempt organization that receives no federal, state, or municipal funding. Money used to conduct business of the Association comes from membership dues, fees for services, etc. The Texas Animal Control Association may receive grants or funds from workshops that it sponsors.

The Officers, Board of Directors and Regional Coordinators are volunteers and receive no salary for their services.

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### **Pound Seizure:**

The Texas Animal Control Association believes that pound seizure laws infringe upon the rights of animal shelters to determine the fate of animals in their care. The Texas Animal Control Association believes the decision to participate or not to participate is best left up to local jurisdiction. Federal or state governments should not make this decision.

The liability of a local government for a pet that is mistakenly turned over to a user organization has to be of great concern. Ordinances that allow animals to be turned over after a specific holding period will not keep a city or county out of civil court.

When local government feels it is necessary to reach a compromise, the Texas Animal Control Association recommends that ONLY owner-surrendered animals be allowed to be seized. The following should be guidelines for said seizures.

1. The animal user agency should provide to the shelter and the pet owning public information regarding the research facility.
2. After the animal's owner has read this information and chooses to surrender their pet to an animal user, they should sign the agreement. This agreement should be in written form approved by the local government's attorney.
3. There should be a grace period of at least 24 hours allowing the owner to cancel the agreement before the animal is released to the research facility.

### **Adoptions'**

The Texas Animal Control Association believes that adoption programs can be a positive and important addition to the overall activities and success of an agency. An adoption program improves employees' morale and is an effective public relations tool.

Texas State Law, Title 10, Health and Safety Code, Chapter 828, requires that dogs and cats be sterilized when adopted from public or private animal shelters. The Texas Animal Control Association recommends a follow-up program to ensure compliance.

The Texas Animal Control Association believes that placing an animal should occur only when an individual can demonstrate that he or she will be a responsible pet owner.

The Texas Animal Control Association believes that animal care and control agencies should have the right to refuse animal adoptions based on predetermined criteria.

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### **License Tag (Dogs and Cats):**

The Texas Animal Control Association feels that a licensing program for all pets is an effective way to identify animals and to establish them and their owners on a public record. The Texas Health and Safety Code requires that dogs and cats be immunized against rabies before they are licensed.

The Texas Animal Control Association recommends that pets be required to wear such license at all times.

The Texas Animal Control Association recommends that all or at least part of the revenues generated by a licensing program go directly to improvements of the Animal Care and Control Program.

### **Dead Animals:**

The large population of pet animals in any community can be expected to have a substantial mortality rate in any given year, leading to a need for carcass disposal. Both unclaimed shelter animals and dead pets belonging to private citizens should be disposed of properly. Often animals control agencies are consulted about or charged with handling this responsibility.

The Texas Animal Control Association believes that Animal Care and Control agencies should not be responsible for the removal of dead animal remains.

The Texas Animal Control Association recommends that if a local Animal Care and Control Agency is required to handle dead animals, all due care must be taken to avoid contamination of live animals, separate holding facilities and transportation should be provided. Though the choice of carcass disposal is left up to the individual shelter, the administrators should decide among such options as cremation, landfill burial, or rendering. The TACA's policy is that living animals should have priority and should be kept separate from dead animals.

### **Leash/Restraint Laws:**

Free-roaming cats and dogs are the primary cause of the enormous volume of surplus, unwanted animals that must be destroyed each year. There can be no justification for allowing pets to roam.

The free-roaming animal is exposed to such hazards as disease from other animals, injury from traffic, and retaliation by irate property owners, etc.

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Many of these animals are responsible for injuring or annoying people, attacking livestock, pet animals and wildlife, destroying other property, and contributing to the cause of automobile accidents.

Because these problems are the result of irresponsible people who fail to exercise proper control over their animal, the Texas Animal Control Association believes that Animal Care and Control should punish people, not pets, for violations. It is the Texas Animal Control Association's policy that Animal Care and Control Officers should exercise local or state powers to issue citations whenever possible, rather than impound the at-large animal.

The Texas Animal Control Association believes that restraint provisions should require that dogs and cats be kept under direct control when off the owner's property and restrained when on the owner's property.

The Texas Animal Control Association supports legislation that fosters responsible pet ownership by requiring owners or keepers to clean up after their pets.

### **Guide Dogs:**

Humanity's lengthy relationship with companion animals has included many examples of animals working in symbiotic partnerships with their masters. One such use of wide renown is the training of animals (particularly dogs) to assist the blind and deaf.

The Texas Animal Control Association believes that properly trained animals such as these provide a valuable service to society as a whole, helping their masters to become more fully involved in our communities. Consequently, the Texas Animal Control Association's policy is that local Animal Care and Control agencies should strive to assist these animals and their masters whenever possible, through such activities as reducing or eliminating license fees and providing unclaimed shelter animals to reputable guide dog schools for training.

### **Guard Dogs:**

The Texas Animal Control Association recognizes the need for the commercial businesses to implement sufficient security to protect and defend property and life. It is preferable that electronic and police surveillance methods be used as a first means of defense. When other methods have failed, there are occasions when a dog will be used for guarding purposes.

Dogs used for guarding businesses should be specifically trained by competent trainers for sentry and patrol duties. Only humane methods of training are acceptable.

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Owners of such dogs must assure that animals are given a humane existence, including adequate shelter, food, water, exercise and appropriate veterinary care. Provisions should be made to humanely retire such dogs when their usefulness as a guard dog is no longer required. Their use as personal pets is discouraged.

Businesses must assure that guard dogs are adequately fenced, confined, or secured to prevent escape. At entrance points, warning signs should be displayed indicating that a guard dog is present. At the main entry point, a sign should be posted listing the name, address and telephone numbers of the dog's trainer, handler or owner.

Local governments may wish to utilize a registration system for guard dogs that required special identification tags, tattoos and/or microchip implants. Guard dogs should be humanely transported in vehicles with separate cages appropriate for the size of the animal. Vehicles should be plainly marked to show that a guard dog is being transported.

The Texas Animal Control Association discourages public animal shelter from releasing animals for the specific purpose of serving as a guard dog. Commercial businesses and guard dog services should utilize animals bred and trained specifically for the purpose of serving as a guard dog.

### **Attack Dogs:**

The two distinct definitions for "attack dogs" are:

1. A dog used in conjunction with a police or military agency to assist officers in apprehending people committing criminal acts. Such dogs are commonly referred to as a K-9.
2. A dog that is used to discriminately or indiscriminately attack people on the command or suggestion of its owner.

The Texas Animal Control Association recognizes the limited need for police agencies to utilize the service of dogs to assist in apprehending law offenders and in providing additional safety for police officers. Police agencies should assure that such dogs are properly tagged, tattooed, and/or microchip implanted. Additionally, dogs used in the K-9 unit should receive periodic veterinary examinations, necessary vaccinations (including rabies), food, water, exercise, and humane training. Provisions should be made to humanely retire animals when their services are no longer required.

The Texas Animal Control Association is opposed to private citizens utilizing dogs for any purpose that are professionally or lay trained to discriminately or indiscriminately attack other

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people on the command or suggestion of its owner. Public animal shelters should make every possible effort to discourage people from obtaining or adopting dogs that will be used for this purpose. Such dogs used in this manner are of great concern to the public's safety.

### **Injured Animals:**

Given the increasing population densities in our country, both human and animal, injuries to animals will continue to be a problem. Animal Care and Control agencies may be asked to provide injured animal rescues or to supplement activities often undertaken by humane societies.

The Texas Animal Control Association believes that injured animal rescues legitimately fall within the range of animal care and control activities, but these should be undertaken in cooperation with any other local organizations capable of providing similar services.

Who will pay for the cost of treating injured animals? The Texas Animal Control Association believes that all reasonable efforts should be made to contact the owner of the injured animals to determine a course of action and financial liability. The disposition of unidentified animals should be left to the discretion of the officer or supervisor involved with the rescue, but in no case should the animal be allowed to suffer. Euthanasia of an unidentified animal that is suffering is justified when, in the opinion of the investigating agency, there are neither the facilities nor finances available to provide full, complete veterinary care.

The Texas Animal Control Association believes that individual Animal Care and Control agencies should anticipate rescue efforts and strive to include the cost of such efforts in their budgets. Cooperative agreements for emergency services with local veterinarians should be undertaken in communities where no staff or contractual veterinarian is directly responsible to the Animal Care and Control agency.

### **Euthanasia:**

Euthanasia is a segment of animal care and control that is of great concern to the public, humane organizations and Animal Care and Control personnel. It is a fact of life that our members face everyday and is the most unappealing part of their jobs. The Texas Animal Control Association considers lethal injection of sodium pentobarbital, administered by competent, trained personnel, to be the method of choice utilized for humane euthanasia of animals. The Texas Animal Control Association recognizes that there are agencies legally restricted in their ability to obtain Sodium Pentobarbital. In those cases the Texas Animal Control Association recommends they seek a local veterinarian to provide euthanasia services.



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The Texas Animal Control Association recognizes that the Texas Health and Safety Code, Chapter 821, Subchapter C., allows for dogs and cats to be euthanized by: .

1. Administering sodium pentobarbital
2. Commercially compressed carbon monoxide.

And that it further allows that all other animals in the custody of an animal shelter may be euthanized only in accordance with the applicable methods, recommendations, and procedures set forth in the Report of the American Veterinary Medical Association Panel on Euthanasia as approved by the “board” (Texas Department of Health).

### **Rabies Vaccination:**

Though there area great number of diseases to which domestic animals may be exposed and a relatively high number of zoonotic diseases that may be transmitted from animals to humans, perhaps none have been as widely publicized as rabies. Rabies continues as a widespread threat in wildlife but in recent years, the number of confirmed cases of rabies has decreased considerably, testimony to the effectiveness of dog and cat rabies immunization programs.

The Texas Animal Control Association believes that the success of rabies immunization programs is the most significant reason to continue and expand such programs for the welfare of both dogs and cats by immunizing against rabies and other communicable diseases as labeled by the manufacturer, and superseded by state law.

The Texas Animal Control Association believes that strict rabies quarantine and/or laboratory testing of suspect animals for rabies should be followed in accordance with the Texas Health and Safety Code 169.21.

### **Tattooing/Electronic Implants:**

The Texas Animal Control Association believes that tattooing and electronic implants have their advantages, such as a permanent means of identifying pets and proven dangerous animals.

The Texas Animal Control Association recommends that agencies wishing to initiate tattooing and electronic implant programs continue licensing, as well.

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### **Cruelty to Animals:**

The Texas Animal Control Association believes that Animal Care and Control agencies and the Humane organizations are concerned about animal welfare and protecting animals from the hazards of traffic, irresponsible owners, blood sports and the increasing dangerous of urbanized and rural areas.

Historically, cruelty investigations, prevention and prosecution concerns have been shared jointly by Animal Care and Control agencies and Humane Societies. In those communities where both Animal Care and Control agencies and Humane Societies are empowered to investigate and prosecute cruelty violations, the Texas Animal Control Association believes that cooperation among these groups will best provide for the protection of the animals.

The Texas Animal Control Association believes Animal Care and Control agencies should be empowered to issue citations for cruelty violations and include cruelty investigations as a part of its regular activities.

The cruelty laws for the State of Texas are found in the Penal Code, Article 42.09 and 42.10. Seizure and disposition of cruelly treated animals is found in the Texas Health and Safety Code, Chapter 821, Subchapter B.

### **Wildlife as Pets:**

The Texas Animal Control association is opposed to the sale and keeping of exotic animals and wildlife as pets. Frequently, problems associated with the keeping of these animals require the intervention of Animal Care and Control agencies. Common complaints include inadequate housing, insufficient medical attention, improper diet, removal of natural defenses, and confinement related stress. The high mortality rates associated with the capture and transportation of wild animals and the serious depletion of wildlife populations are reason enough to prohibit the keeping of wildlife as pets. Once the owner of a wild animal is no longer willing to care for it, the animal is usually unable to readapt to a wild environment, if released. With very few exceptions, formerly owned wildlife must be destroyed because of the lack of appropriate facilities to maintain them. The Texas Animal Control Association urges Animal Care and Control agencies to discourage whenever possible the selling or keeping of exotic and wild animals.

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### **Nuisance Wildlife:**

Quite often, Animal Care and Control agencies become involved with wildlife cases. As urbanization continues to encroach upon wildlife habitat, encounters and issues with wildlife will continue to increase. The Texas Animal Control Association sees where this could be a logical extension of an agencies responsibilities, provided that the agency is budgeted and prepared to such an extension and the personnel are appropriately trained.

The Texas Animal Control Association recommends that all Animal Care and Control personnel obtain sufficient training in handling of common wildlife and establish programs with the appropriate agencies, such as Texas Parks and Wildlife, or licensed wildlife rehabilitators, to determine respective responsibilities in dealing with particular nuisance complaints. Dealing with migratory birds, raptors, deer, and alligators are just several animals that are regulated by state and federal laws that determine who has authority to handle them.

The Texas Animal Control Association recognizes that there may be situation where the Animal Care and Control personnel do not also serve as the Local Rabies Control Authority, and recommends that they work together to establish programs to ensure the public health and safety is addressed when dealing with high risk nuisance wildlife such as Bats, Raccoons, Skunks, Foxes and Bobcats.

### **Nuisance Livestock:**

The Texas Animal Control Association offers the following position regarding nuisance livestock.

TACA opposes animal care control officers that are not in contract with the sheriff's department as the sheriff's designee to be charged with impounding and handling strays. Per section 142.009 of Texas Agricultural Code, Estrays, it states the following:

#### **Sec. 142.009. IMPOUNDMENT OF ESTRAY.**

(a). the sheriff or the sheriff's designee shall impound an estray and hold it for disposition as provided y this chapter if:

- (1) the owner of the estray is unknown;
- (2) the sheriff or the sheriff's designee is unable to notify the owner;
- (3) the estray is dangerous to the public;
- (4) the estray is located on public property and after notification is not immediately removed by the owner;

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or

(5) the estray is located on private property and is not redeemed within a reasonable time after notification.

Livestock is defined as:

The term “Livestock” is used in more than 30 chapters of the Agriculture code. The uniform definition will be “cattle, horses, mules, asses, sheep, goats, and hogs.”

The Texas Animal Control Association believes that it is in the best interests of animal care and control officers and animal care and control agencies to concentrate their training and budgetary expenses on companion animals. Handling loose livestock without proper training or equipment can create a dangerous environment for animal care and control officers.

When animal care and control agencies are in contract as the “sheriff’s designee”, the Texas Animal Control Association recommends that the animal care and control officers have extensive training in the capture and handling of estray’s and be properly equipped to impound, transport and shelter these animals until final disposition.

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### **Tranquilizer Guns and Blowdarts:**

The use of tranquilizer guns or blowpipes, as with any piece of equipment, requires proper training. Inappropriate use of the tranquilizer gun and dependency on its use should be avoided.

Tranquilizer guns and blowpipes do have value in certain circumstances, though with inherent danger; e.g., killing the animal or causing injuries to an animal, officer, or bystander. For these reasons, the Texas Animal Control Association recommends that tranquilizer equipment be used only after the officer has received proper training, and then only as a last resort when other methods of capture have failed.

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## **Spaying and Neutering:**

The Texas Animal Control Association believes that surgical sterilization of dogs and cats would significantly reduce the growth of Animal Care and Control services by:

1. Less euthanasia
2. Fewer complaints concerning free-roaming dogs and cats
3. Fewer bite cases
4. Abandonment due to homes not being available
5. Hampering the spread of infectious disease

Local government should support programs that encourage owners to sterilize their dogs and cats.

## **Prepubescent Spay and Neuter:**

The Texas Animal Control Association feels that prepubescent spay and neuter can be used as a valuable tool in enforcement of sterilization regulations by spaying or neutering before an adopted animal is released from an adopting agency and by reducing the time period between adoption and spaying and neutering. This procedure decreases the number of unwanted puppies and kittens and euthanasia at animal shelters throughout Texas each year.

## **Obedience Training:**

The Texas Animal Control Association believes that obedience training results in a more satisfying dog/owner relationship and encourages owners to obtain training for dogs from and accredited trainer.

## **Stray Dogs and Cats:**

The Texas Animal Control Association believes that unmanaged dogs and cats pose a threat to the community by:

1. Spread of zoonotic disease
2. Spread of canine and feline diseases
3. Physical injuries (bites and attacks on humans)
4. Traffic hazards

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5. Destroying property
6. Indiscriminate breeding
7. Dog/cat fights
8. Dog packs that attack livestock

The Texas Animal Control Association believes that all communities should have an enforceable, comprehensive animal management program or strives to obtain the legal changes in local ordinance, rules and regulations necessary to incorporate one.

### **Lost Animals:**

The Texas Animal Control Association believes that Animal Care and Control agencies should make a reasonable attempt to reunite lost pets with their owners using the following guidelines within budget and personnel restrictions:

1. Encourage owners to look through the shelter as often as possible.
2. Take lost and found information on all dogs and cats and encourage leaving photographs of those pets. Owners shouldn't rely exclusively on the leaving of the lost and found information and shelter personnel with the responsibility of making matches with impound animals. It is the responsibility of the owners to find their lost pets and they should be encouraged to visit the shelter in person.
3. Offering lost and found information over the phone is risky because a mistake can cost the life of a pet. Animals found with identification are the exception.
4. Leave phone messages or door tags for possible owners.
5. Keep a current list of pets picked up dead.
6. Check lost and found ads in newspapers.

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### **Dangerous/Vicious Dogs:**

The Texas Animal Control Association believes that an owner of a dangerous or vicious dog has a legal and moral responsibility to take any and all precautions necessary to ensure that the dog never poses a threat to humans or other animals.

In addition to Texas Health and Safety Code, Chapter 822, Subchapter D. Dangerous Dogs, Sec. 822.041, the Texas Animal Control Association encourages each city and county in the State of Texas to prosecute for felonious criminal action any person owning a dangerous or vicious dog that kills or severely injures any person.

### **Pre-Exposure Rabies Immunizations:**

The Texas Animal Control Association highly recommends that all those working in the field of Animal Care and Control and animal welfare personnel protect themselves with pre-exposure anti-rabies inoculations.

### **Training /Certification:**

The Texas Animal Control Association supports the Texas Department of State Health Services training program for Animal Care and Control Officers, and encourages all employers to make sure that their officers are currently trained and certified.

Historically, the two entities have and will continue to work together for advancement by way of continuing education programs for those who work in the field of animal Care and Control and animal welfare.

### **Breed-Specific Legislation:**

The Texas Animal Control Association offers the following position regarding breed-specific policies.

TACA opposes legislation aimed at eradicating or banning dogs based solely on their breed for a number of reasons:

The first and most important reason is that breed specific legislation (BSL) is prohibited by Section 822.047 of the Texas Health and Safety Code:

Sec. A822.047. Local Regulation of Dangerous Dogs. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

- (1) Are not specific to one breed or several breeds of dogs; and

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(2) Are more stringent than restrictions provided by this subchapter.

TACA believes that breed bans don't work for several reasons: that there are inherent problems in trying to determine a dog's breed, making enforcement of breed-specific legislation difficult at best; that fatal attacks represent a very small portion of bite-related injuries and should not be the major factor driving public policy; and that existing non-breed-specific legislation already exists and offers promise for the prevention of dog bites. TACA is also concerned that if one breed is banned, individuals will just move on to another one.

Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In some areas, media attention has actually increased the demand for dogs whose breed is in danger of being banned. Animal control agencies, even those that are well funded and equipped, have found the laws to be an enforcement nightmare.

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Again, breed alone is not an adequate indicator of a dog's propensity to bite. Rather, a dog's tendency to bite is a product of several factors, including but not limited to:

- Early socialization, or lack thereof, of the dog to people
- Sound obedience training for recognition of where he or she "fits" with regard to dominance and people, or mis-training for fighting or increased aggression.
- Genetic makeup, including breed and strains within a breed.
- Quality of care and supervision by the owner (is the dog part of the family or is she kept chained outside?).
- Current levels of socialization of the dog with his or her human family
- Behavior of the victim.
- Whether the dog has been spayed or neutered.

If the goal is to offer communities better protection from dogs that are dangerous, then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective and fair solution to the problem of dangerous dogs in all communities.



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Comprehensive “dog bite” legislation, coupled with better consumer education and forced responsible pet keeping efforts, would do far more to protect communities than banning a specific breed.

Finally, while TACA understands the current inundation of pit bull terriers and similar variations into Texas may suggest tighter regulations on breeding and owning these dogs, it is imperative that we do not leave out other breeds when legislating mandatory sterilization, tethering restrictions, and other issues considered beneficial to animals living in our society.

TACA is committed to keeping dogs and people safe and is available and willing to offer help and advice to communities interested in decreasing the incidence of dog bites and aggression.

### **Dog Kennels:**

The Texas Animal Control Association feels the following should be the minimum standard (square feet per dog) for dog kennels:

Dogs up to 20 lbs.	16 sq. ft.	(4' x 4' recommended)
Dogs 20-50 lbs.	24 sq. ft.	(4' x 6' recommended)
Dogs 50 lbs. or more	32 sq. ft.	(4' x 8' recommended)

Construction should include:

- Kennel floors that are smooth sealed concrete, sloping gradually toward the drainage system with no flat spots where puddles form.
- Kennel walls should be built with non-porous materials with all seams sealed to prevent bacteria from accumulating and be at least six feet in height.
- The kennel area should have an exhaust system to insure proper airflow, for a complete exchange of air hourly.
- Outdoor kennels should provide adequate shelter from sun, rain and cold weather.
- The kennels should be constructed so they may be thoroughly and efficiently sanitized and secured.

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### **Board Travel:**

The Texas Animal Control Association will pay up to \$300.00 per stated meeting or conference's with a stated meeting for the Board Members and Coordinators. The money can only be used for travel expenses or hotel rooms used during the meeting and conference; food is not included in these expenses. If the Board Member or Coordinator does not use any of the money or a portion of the money allotted for that meeting the amount shall be added to the total that can be used for the next meeting.

If a board Member or Coordinator does not attend a meeting the money allotted will not be added into the total that can be used by the member. The total that can be used by a Board Member or Coordinator shall not exceed \$1,200.00 per year. No money shall be carried over from the November meeting and conference to the January meeting. No money shall be given until a travel reimbursement form is filled out and receipts are attached and turned into the Treasurer. Travel funds are reimbursement only.

### **Board/Coordinator/Past President Conference Fees:**

**Board Member:** Shall be exempt from conference fees from the regional and annual conferences. The Board Member is responsible for the fees at any other training held by the Association unless mandated by the Board.

**Coordinator:** Shall be exempt from the annual conference fee if the Coordinator has not missed any of the stated meetings for that year. The stated meetings are the January planning meeting, the two meetings attached to the regional conferences and the board meeting prior to the annual conference.

**Past Presidents:** Shall be exempt from conference fees for the regional and annual conferences. The Past President is responsible for the fees at any other training held by the Association unless mandated by the Board.

### **Bite Stick:**

The tactical (collapsible) or baton or bite stick has become increasingly popular for use not only in law enforcement but in the Animal control profession by Animal Control/Services Officers. This impact weapon is easy to carry and their light weights make it suitable personal protective equipment (PPE) against potential aggressive animal attacks.

The public perception posed by the use of such weapons could present serious liability to any agency, organizations, and individuals. Policies should be reviewed and endorsed by all

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applicable departments. Example: Risk Management, Legal, Police, and Public Information Officer (PIO).

TACA recommends that no animal Control Officer be permitted to carry or use a bite stick without proper animal related training. TACA encourages that any agency approving the use of bit stick must have a written policy regarding the use of bite stick with proper training. TACA encourages periodic documented continuing education training concerning their use.

### AN ACT

Relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS;

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) The provision of Sections 46.02 and 46.03 prohibiting the possession or carrying of a club do not apply to an animal control officer who holds a certificate issued under Section 829.006, Health and Safety Code, and who possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is in the performance of official duties under the Health and Safety Code or is traveling to or from a place of duty.

### **Electro-Muscular Disruption Devices:**

The Texas Animal Control Association is opposed to the use of Electro-Muscular Disruption (EMD) devices in the capture, control, or handling of animals. The false implication that because they are “non-lethal” they are “safe” may lead animal welfare agencies toward unnecessary reliance on EMD devices, which are traditionally intended to be used on a standing vertical human, and not designed to be used on animals. Newer models “designed for animals” have an amperage output seven times that of the devices intended to be used on humans.

TACA discourages animal control from the use of these devices as a substitute or supplement to current acceptable animal handling tools or techniques. The animal control field already has established tools and methods specifically for handling animals within a non-lethal framework. Any professional animal handler or agency receiving and employing proper training should find these devices unnecessary and ineffective and should refrain from their use.

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The risk to health, safety, and public perception posed by such weapons presents a serious liability to any agency and certainly outweighs any potential benefit they would provide. There is no need to incorporate EMD devices into animal control work.

Animal Control is intended to safely capture, confine, transport, and ensure the protection of animals in the field. The reported effects of EMD devices on animals are varied: brief immobilization and retreat are typical, and there are reports of these devices causing physical harm or death. The cited risks of safety and health, and the animal's tendency to retreat, suggest that EMD devices are less effective than humane animal restraint.

### **Mailing List:**

In order to maintain the privacy and confidentiality of our members, the Texas Animal Control Association shall not release any member information except for the use of the Board of Directors and staff.

If a member or a third party wishes to distribute information to the TACA mailing list, he or she may submit the information to the board of directors for approval. If approved, the information may be published in the newsletter. Any charges for this service will be determined by the Board.

If a person requests to send information to an individual TACA member or to the general TACA membership by mail, he or she may submit the information to the board of directors for approval. If the information is approved for mailing, the Executive Secretary will determine the cost of the mailing, including postage, copying, labor, and any other expenses. The Executive Secretary will submit an invoice to the requesting individual, and may send out the mailing after the invoice has been paid to the Association.

The Board reserves the right to refuse to distribute any materials to the TACA mailing list. The Board also reserves the right to increase, decrease, or waive any fees for its mailing list service.

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### **Revocation of Certification:**

The Texas Animal Control Association is committed to excellence in the animal welfare industry. As an organization that is responsible for certifying animal control officers in the State of Texas, it is imperative that this association demand the highest standards of professionalism and behavior from the people who carry its certification.

It is with these standards in mind that TACA reserves the right to revoke the certification of any person who does not exhibit appropriate ethical, responsible, and professional behavior while performing his or her duties as a Certified Animal Control Officer.

TACA also reserves the right to revoke the certification of any person whose actions may bring about discredit to this association, its members, or to the animal welfare profession.

Revocations may be made by a simple majority of the Association's Board of Directors at any scheduled meeting, or by online vote. Persons who are the subject of proposed revocation must be notified by the President in writing within a reasonable time period, so that they may schedule an appeal hearing with the Board.

A person who is subject to the revocation may appeal the proposed revocation by requesting a hearing of the Board at the next regularly scheduled Board Meeting. The hearing request must be made to the President in writing, and must be made in thirty (30) days upon receipt of the notification, and so that the President is able to place it on the agenda without undue burden.

Time allotted for revocation hearing shall be decided by the President, and should be kept to a brief, reasonable period of time. Any person subject to revocation who is not punctually present at the hearing may automatically be revoked by order of the President. The President shall read the allegations of impropriety to the person who is subject to revocation, and any Board Member may voice their concerns. The person subject to revocation may then proceed to explain why their certification should not be revoked. Board Members may question the person. After the President declares the hearing concluded, the person subject to revocation may be asked to leave the board meeting room while the Board deliberates.

After the revocation hearing, the board may decide to reinstate the revoked certification, revoke the certification for a period of time, or permanently revoke the certification. This may be done by a simple majority of the Board, and the person subject to revocation shall be notified in writing within a reasonable time period.

# Texas Animal Control Association Policy Statements

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## **Returned Checks:**

The Texas Animal Control Association will charge a \$25.00 service fee for all returned checks. Any person or business that issues two insufficient checks to the Association within a five year period will be banned from writing checks to the Association, and will only be able to do business with the Association with cash, money orders and credit cards.