

COUNTY COMMISSIONERS COURT

Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

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PLACE OF EMPLOYMENT: Retired

EMPLOYMENT PHONE: _____

Do you represent any particular group or organization? No

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

Which agenda item (or items) do you wish to address? DJG Leah Law

Other concerns or items to be addressed to the Commissioners Court:

Signature: 

NOTE: This Public Participation Form must be presented to the Court Assistant Prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

MEMORANDUM

From: Monty Graham, 537 FM 1807 Venus, TX 76084

To: Johnson County Texas Commissioners Court

Date: 27 January 2020

Ref: Request to enact an ordinance requiring pet owners to restrict their dogs to the confines of their property and seek measures to mitigate stray dogs

The Issue

Currently, Johnson County has no leash law or any ordinance that requires dog owners to restrict the movement of their dogs to their property. Additionally, it appears that *Texas Health and Safety Code Sec. 822.012 Certain Dogs and Coyotes Prohibited From Running at Large*¹ is not actively enforced or complaints are not being reported to law enforcement. It also appears there are no resources employed by the County to mitigate stray dogs. The lack of pro-active measures to mitigate or reduce this situation by County officials and residents paves the way for potential attacks to livestock and persons by dogs allowed to roam freely.

Prior to moving here to an unincorporated area of Johnson County and during the time our house was under construction, our builder informed us that he had observed various dogs roaming on our property. After we moved in to our new home in mid-December 2019, we personally observed as well as via our camera system, various dogs within close proximity to our house. Displayed in the Attachment are pictures of the two Pit Bull mix breeds that frequently roam our property.

After observing several dogs on my property, I did speak with a Deputy Sheriff on this topic and he indicated that according to *Texas Health and Safety Code Sec. 822*, if the animal is harassing or attacking we can take measures to stop the attack including shooting the animal. However, that law pertains to a dog or coyote attacking livestock or domestic animal, it does not appear to cover an attack on a person. While I doubt a Grand Jury would indict anyone who killed a dog for attacking a person, one may have to procure the services of a lawyer should an indictment occur, thus causing not only mental anguish but potentially financial hardship. It is possible that the situation may have been avoided if pro-active laws and measures were in place to prevent this possible scenario.

The Threat

My four grandsons often visit our house. Recently, while one of my grandson's (8 years old) was at our home on the driveway sitting in a chair, I noticed a dog within 30 yards of him. I was 50 yards away in another direction. The dog could have attacked my grandson before I could prevent it. Additionally, my wife and I work outside around our house on a near daily basis. I am extremely

concerned about our safety, and the safety of my family. Recently I observed a highway worker on FM 157 who was having to look over his shoulder as he walked back to his truck because of a loose dog adjacent to a home near the worker. The dog was barking at the highway worker.

Dogs that are allowed to roam freely on other people's property are a potential menace and threat. A dog attack to farm or ranch animals can be a severe financial hardship; but an attack on a person and most especially a child, can lead to serious injury, disability, and death. According to dogsbite.org, approximately 4.5 million dog bites occur each year in the United States. Nearly 1 out of 5 bites becomes infected.² in the 14-year period of 2005 through 2018, canines killed 471 Americans. Pit bulls contributed to 66% (311) of these deaths³; in 2018, nearly 27,000 people underwent reconstructive surgery as a result of being bitten by dogs.⁴ At the time of this memorandum, there have been 48 confirmed fatalities resulting from dog attacks across the U.S.; of those, seven occurred in the State of Texas⁵.

Texas Health and Safety Code Sec. 822.005 which states that "A person commits an offense if the person is the owner of a dog and the person with criminal negligence, ...fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owners real property..."⁶ is not a pro-active approach. Simplified, this is similar to the adage of "closing the barn doors after you realize the cows got out."

The Resolution

Enact, advertise, and promote a county ordinance which requires all dog owners to prevent their animals from roaming freely off their property either by secure fencing, suitable dog cage, tether, or leash. If a dog owner is found in violation of this ordinance occurs,

- First offense - the pet owner is issued a written warning by the Sheriff's office
- Second offense - the homeowner is issued a ticket by the Sheriff's office
- Third violation - the homeowner is arrested and the animal or animals are seized;

For animals that are seized, the animal may be retrieved by the owner after producing evidence they have taken measures to prevent future issues and paying all costs associated with capture and boarding of the animal(s) while held by the County. While I understand the County may not have the resources to employ a full-time animal control officer, Commissioners may consider contracting these services with adjacent cities or counties.

Conclusion

According to Responsibility.org, "Alcohol-impaired driving fatalities accounted for 29% of the total vehicle traffic fatalities in 2017. Between 1991 and 2017, the rate of drunk driving fatalities per 100,000 population has decreased 46% nationally, and 68% among those under 21. These statistics and others are positive indicators of the gains being made to fight drunk driving.⁷ Proactive approaches achieve more gains than passive approaches. Currently, the County has chosen to take a passive approach. What is it going to take for the County to be pro-active? Is

some person going to have to suffer significant debilitating medical issue due to a dog attack before the County takes action? *Texas Health and Safety Code Sec. 822.007 Local Regulation of Dogs* states, "This subchapter does not prohibit a municipality or county from adopting leash or registration requirements applicable to dogs."⁸ I implore the Commissioners to take action quickly to resolve this unsafe condition.

References

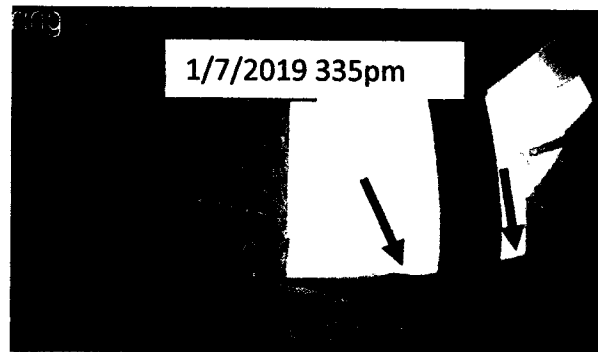
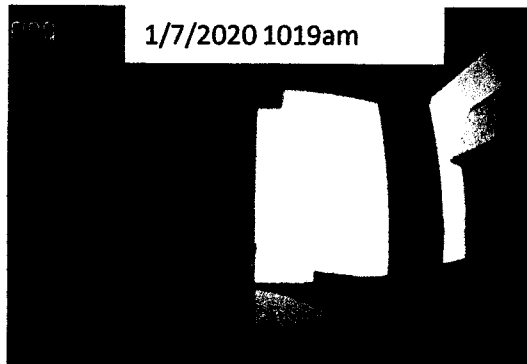
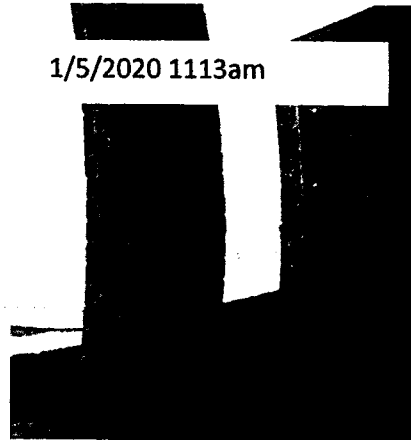
1. [https://texas.public.law/statutes/tex. health and safety code section 822.012;](https://texas.public.law/statutes/tex.health.and.safety.code.section.822.012)
2. <https://www.dogsbite.org/dog-bite-statistics-quick-statistics.php> paragraph 4;
3. <https://blog.dogsbite.org/2019/05/2018-dog-bite-fatality-statistics-discussion.html> paragraph 7;
4. <https://www.dogsbite.org/dog-bite-statistics-quick-statistics.php> paragraph 5
5. <https://www.dogsbite.org/dog-bite-statistics-fatalities-2019.php>
6. [https://texas.public.law/statutes/tex. health and safety code section 822.005](https://texas.public.law/statutes/tex.health.and.safety.code.section.822.005)
7. <https://www.responsibility.org/alcohol-statistics/drunk-driving-statistics/drunk-driving-fatality-statistics/> paragraph 4
8. [https://texas.public.law/statutes/tex. health and safety code section 822.007](https://texas.public.law/statutes/tex.health.and.safety.code.section.822.007)

DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks. We conduct research on the growing, but underreported, public safety issue of severe and fatal dog attacks inflicted by dangerous dog breeds. We champion the rights of victims through our research, education and advocacy. <https://www.dogsbite.org/>

Responsibility.org was founded in 1991, is an independent, national, not-for-profit organization funded by distillers, collectively leading the fight to end drunk driving and underage drinking and promoting responsible decision-making in all 50 states and our nation's capital. <https://www.responsibility.org/>

Attachments

These are the two Pit Bull Mix dogs that run together



In this last pic is a dog from an unknown neighbor harassing tow truck drivers who retrieved a disabled vehicle on the street.

