



**DANGEROUS
DOGS**

DANGEROUS DOGS

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STATE OF TEXAS
COUNTY OF _____
CITY _____

IN THE NAME OF AND BY THE AUTHORITY OF STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations:

Affiant is _____, who is the Animal Control Officer _____(name) for the City of _____, Texas and has responsibility for animal control in the municipality of the City of _____, County of _____, Texas.

**I.
Property**

There is in _____ County, Texas, a suspected place and premises described and located as follows:

Real Property known as _____(physical address), with a legal description as follows: _____(legal description), owned and occupied by _____(name or owner), the owner of the animal named in this matter. _____(owner's relationship to said Real Property).

**II.
Declaration of Dangerous Dog**

It is the investigative belief of the Affiant, based on _____(personal knowledge)(information and belief)(investigation) and he/she hereby charges and accuses that:

One _____(gender and breed) dog owned by _____(name of owner) was improperly secured on the above named property. Said dog poses a threat to the welfare and safety of citizens of the City of _____, Texas as more fully set forth in Section V of this Affidavit. This animal is further described in Section IV of this affidavit.

**III.
Failure to Comply Details**

Dog owner having shown an inability to properly contain and restrain this _____(gender and breed) dog in a manner sufficient to prevent unprovoked attacks to persons, property, and other domestic animals. This dog is hereby proclaimed to be a dangerous dog as that is defined in the Texas Health and Safety Code, to wit: Chapter 822, Subchapter D, "Dangerous Dogs, Section 822.041," "Definitions, subsection 2, paragraph B," which states:

"Dangerous Dog" means a dog that:

commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Furthermore, the owner of said _____(gender and breed) dog failed to comply with the Texas Health and Safety Code, to wit: Section 822.045, subparagraph (a), which states, in pertinent part:

A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 822.042 or Section 822.0422(b) or an applicable municipal or county regulation relating to dangerous dogs.

**IV.
Description of Dog**

This animal is a canine, _____ (breed), _____ (gender), _____ in color, estimated to weigh _____ pounds, called by the name “_____,” and owned by _____, who resides at _____ (physical address), _____ County, Texas.

**V.
Background Facts**

(State details regarding the incident and the response of the Animal Control Officer(s). Also state the actions taken or not taken by the owner, any follow-up actions taken by Animal Control Officer(s), subsequent actions, if any, taken by the Court, and any incidents of unprovoked acts or attacks since notification and/or the Court hearing.)

THEREFORE, based on the facts stated above, Affiant hereby requests this Court issue a warrant for the search and seizure of said property described in Section I above in accordance with the Health and Safety Code, Section 822.001 *et seq.*; and further that said search warrant authorizes a full search of the aforesaid premises including the curtilage and all structures and vehicles on said premises, and authorizes the seizure of said property determined to be a dangerous dog and for it to remain in custody of the animal control authority of the City of _____ at the expense of the owner until such time as a disposition be handed down by the Court to determine the final disposition of the animal. Affiant further requests the Court set a hearing within ten (10) days to determine whether the animal should be returned to the owner or humanely destroyed.

Further, affiant sayeth naught.

Signed on this the _____ day of _____, 20__.

Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20__.

Judge, Municipal Court
City of _____
_____ County, Texas

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS OR ANY OTHER PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

Whereas, a sworn affidavit has been filed with this Court, alleging that the below described dog has caused the death of, or serious bodily injury to a person by attacking, biting, or mauling him or her within the territorial limits of the City of _____, _____ County, Texas; and

Whereas, the Court has found, based on the statements and allegations contained in the affidavit sworn before the undersigned magistrate, that probable cause exists to believe that the below described dog has caused serious bodily injury of a person. A written affidavit, under oath, has been sworn before me by _____ hereto attached and expressly made a part hereof, having stated facts and information sufficient to establish probable cause for the issuance of this seizure warrant in accordance with Section 822.041, Health and Safety Code;

IT IS THEREFORE ORDERED, that any Animal Control Officer as designated by the City of _____, Peace Officer or other law enforcement agent under the laws of the State of Texas **SHALL ENTER UPON AND SEARCH** the suspected place and premises described in said affidavit and to there verify the presence of the below described animal(s) and **SHALL SEIZE** the same.

IT IS FURTHER ORDERED that the animal(s) shall be **IMPOUNDED** and held in the custody and control of the Court in accordance with Section 822.042(c), Health and Safety Code, for the purpose of a hearing to determine ownership or right of disposition regarding an animal that is a “dangerous animal” as defined under the laws of the State of Texas. Said animal or animals shall be impounded and held in the custody of the Chief of Police or Animal Control Officer for the City of _____ for a period of time not to exceed 10 days from the date of impounding the animal. You are therefore commanded to forthwith enter and seize:

Animal Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Issued at _____ o’clock __.m. on this _____ day of _____, 20__.

 Judge, Municipal Court
 City of _____
 _____ County, Texas

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the _____ Municipal Court located at: _____, Texas, at:

_____ : _____ .M, ON THE _____ DAY OF _____, 20__.

(within 10 days of issuing the warrant)

Judge, Municipal Court
City of _____
_____ County, Texas

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ____m. and executed on the _____ day of _____, 20____, by seizing and impounding the above described animal at the address listed above.

Peace Officer

CAUSE NUMBER: _____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____ COUNTY, TEXAS

On this day came to be considered the above-referenced matter. All parties (appeared (in person)(by attorney) and announced ready for trial) or (failed to appear and wholly made default). This Court, having determined that it has jurisdiction over the parties and the subject matter in controversy and that venue was proper, heard the evidence and arguments of counsel and considered all pleadings on file with the Court, and having considered same, is of the opinion that the _____ (gender and breed) dog owned by _____ (name of owner) and known as “_____” (name of dog) is a dangerous dog, as that term is defined by the City of _____ Ordinances Chapter ____, Section ____, entitled “_____” in that the dog has been found to have (committed an unprovoked attack) (committed unprovoked acts) (behaved in a manner that _____ (name of owner) knows or reasonably should have known indicated tendencies to commit unprovoked attacks or to injure persons or domestic animals).

IT IS THEREFORE ORDERED that the administrative determination of the City of _____ Animal Control Officer be upheld in that respect.

IT IS FURTHER ORDERED that _____ (name of owner) shall be required to register the dangerous dog named “_____” (name of dog) with the City of _____ Animal Control Officer.

IT IS FURTHER ORDERED that _____ (name of owner) shall obtain and maintain liability insurance that expressly and specifically provides for coverage for claims arising out of a dangerous animal in an amount not less than One Hundred Thousand and 00/100 Dollars (\$100,000.00) covering bodily injury and/or death of any person, and/or for damages to the property of any person, resulting from the possession, ownership, control, or keeping of such dangerous animal as long the dangerous dog “_____” (name of dog) is living and kept in the City of _____ .

IT IS ORDERED that _____ (name of owner) must present proof of such liability insurance to the _____ Animal Control Officer no later than 30 days from the date of this Order. _____ (name of owner) must present continuing proof of such liability insurance each year during the anniversary month of this Order.

IT IS ORDERED that _____ (name of owner) or his/her immediate family (the _____ Family) must restrain the dangerous dog, “_____” (name of dog), at all times on a leash in the immediate control of the _____ Family, or in a secure enclosure. The secure enclosure must be a pen or cage constructed from materials of sufficient strength to prevent the animal’s escape, and must have secure sides, a secure top attached to sides, and a secure bottom which is either attached to the sides or constructed so that so that the sides are embedded in the ground no less than two (2) feet. Both the leash and secure enclosure must be inspected by _____ (name of owner) and the _____ Animal Control Officer and approved by the _____ Animal Control Officer no later than _____.

IT IS ORDERED that _____ (name of owner) must provide to the _____ Animal Control Officer his/her full legal name, address, the breed, age, gender, color, and any other identifying marks of the dangerous dog “_____” (name of dog); the location where the dangerous dog “_____” (name of dog) is to be kept if not at the address of _____ (name of owner); two (2) color photographs of the dangerous dog “_____” (name of dog); and the aforementioned certified liability insurance.

DANGEROUS DOG JUDGMENT (Page 2 of 2)

IT IS ORDERED that _____ (name of owner) must provide proof of the required documents necessary to register the dangerous dog “_____” (name of dog) and pay the registration fee. The _____ Animal Control Officer shall provide to _____ (name of owner) a registration tag designating the dog “_____” (name of dog) as dangerous. _____ (name of owner) must place the tag on the dangerous dog “_____” (name of dog) ‘s collar and must ensure that the dangerous dog “_____” (name of dog) wears such a tag collar at all times.

IT IS ORDERED that _____ (name of owner) must not allow the dangerous dog “_____” (name of dog) to go outside the secure enclosure described above unless the animal is on a leash in the immediate control of _____ (name of owner) or the _____ Family or under the immediate physical restraint of the _____ Family. _____ (name of owner) shall not permit the dangerous dog “_____” (name of dog) to be kept outside of the secure enclosure on a chain or rope or any other type of leash unless a member of the _____ Family is in immediate physical control of the chain, rope, or other type of leash. The dangerous dog “_____” (name of dog) shall not be leashed to immediate objects, including but not limited to trees, posts, or buildings.

IT IS ORDERED that _____ (name of owner) must prominently display signs giving notice of the presence of the dangerous dog “_____” (name of dog) so that all persons entering said property are immediately notified that a dangerous animal is being kept at the location.

Signed this ____ day of _____, 20__.

Judge, Municipal Court
City of _____

County, Texas