



Ask an Animal Law Attorney

BY YOLANDA EISENSTEIN



I live in a very high-end, expensive condo tower, and my neighbor just bought a chicken coop that includes a rooster that starts crowing every morning at 5 a.m. What can I do to get some sleep?

It's doubtful that your neighbor would get past the homeowner association's (HOA) rules, which regulate everything from pool hours to renovations. At the local level, you need to look to your city's ordinance, which may or may not allow roosters or chickens. Also, your condo neighbor may bump up against a local nuisance ordinance.

My dog bit a small child while we were out for a walk. Now my dog is in quarantine. Can my dog be euthanized? Can I be sued for the child's medical expenses?

Under Section 822 of the Texas Health and Safety Code, your dog may be euthanized if the bite caused "serious bodily injury." Some cities have ordinances that allow your animal to be euthanized if the bite only caused "bodily injury." If you were negligent, then you can be liable for all damages.

I've been feeding feral cats that wander into my yard. Do I own them now?

Probably not, unless you have captured and controlled them. However, many local pet ordinances expand the definition of "owner" to include a person who cares for an animal. Feeding the cats could be considered as "caring" for them and thus "owning" them for purposes of code enforcement.

Can individuals in Texas own wild animals, such as lions?

Individuals may own dangerous wild animals such as lions only in counties that have adopted regulatory provisions under the Dangerous Wild Animal Act (Tex. Health & Safety Code Ch. 822) and after the owner has met all requirements, passed inspection, and obtained insurance. Counties not adopting the regulations are required to have prohibited possession.

I own a cattle ranch in West Texas. My cattle sometimes cross onto my neighbor's property. My neighbor has threatened to take my cattle if it happens again. Can he do that?

No. Ownership of your cattle does not transfer just because they strayed onto your neighbor's property. If he takes your cattle, he may face criminal theft charges.

I live out in the country. I take in stray dogs, in addition to caring for my two dogs. I keep the stray dogs until I can find them a home, but sometimes I have more than eight dogs in my home at a time. Is this illegal?

There is no state law in Texas that limits the number of dogs and cats you may own. Limits are determined by local ordinances. In a city with limits, animal control could determine that eight dogs in a home is a violation if you are not a legally recognized rescue organization or qualify for another exception.

I live on a large wooded lot with a creek behind it. My new neighbor has started trapping squirrels and killing them. He says they're pests. Can he do that?

A license/permit is required to trap or kill red squirrels, unlike gray squirrels, so it will make a difference which squirrel your neighbor is trapping. The device used must be humane. Killing must be done in a humane manner as well. There may also be local ordinances or HOA restrictions governing such activities.

What do words like sustainable, free-range, and humane mean on food packaging?

There is increasing concern by consumers regarding the food they eat — how the animals were treated and the effects on the environment. Sustainable farms utilize practices that protect the environment and promote humane standards. Labels such as "free-range" are widely used and consumers should do their homework to determine exactly what the labels mean.