

TPOA
Architectural Control Committee

Dangerous and Aggressive Dogs
Recommendation

October 2023

- **Agenda**

- Current Situation
- Texas Statutes on Dangerous/Aggressive Dogs
- TPOA Governing Documents Restrictions
- TPOA Entitlement to Fine Owners Who Violate
- Progressive Remediation Process
- Summary

CURRENT SITUATION

- Roaming dogs in our community are not being kept on their owner's property. This results in dogs on the property of other owners. Additionally, this impacts the ability of community members from walking or driving near properties with loose dogs due to being chased at, growled at, barked at aggressively, and even bitten.
- Texas *does* have statutes on "Dangerous and Aggressive Dogs".
- Camp County *does not* have a leash law for dogs.
- TPOA *does* have restrictions on dogs and every owner is accountable.
- Dangerous and Aggressive dogs must be addressed in our community.....

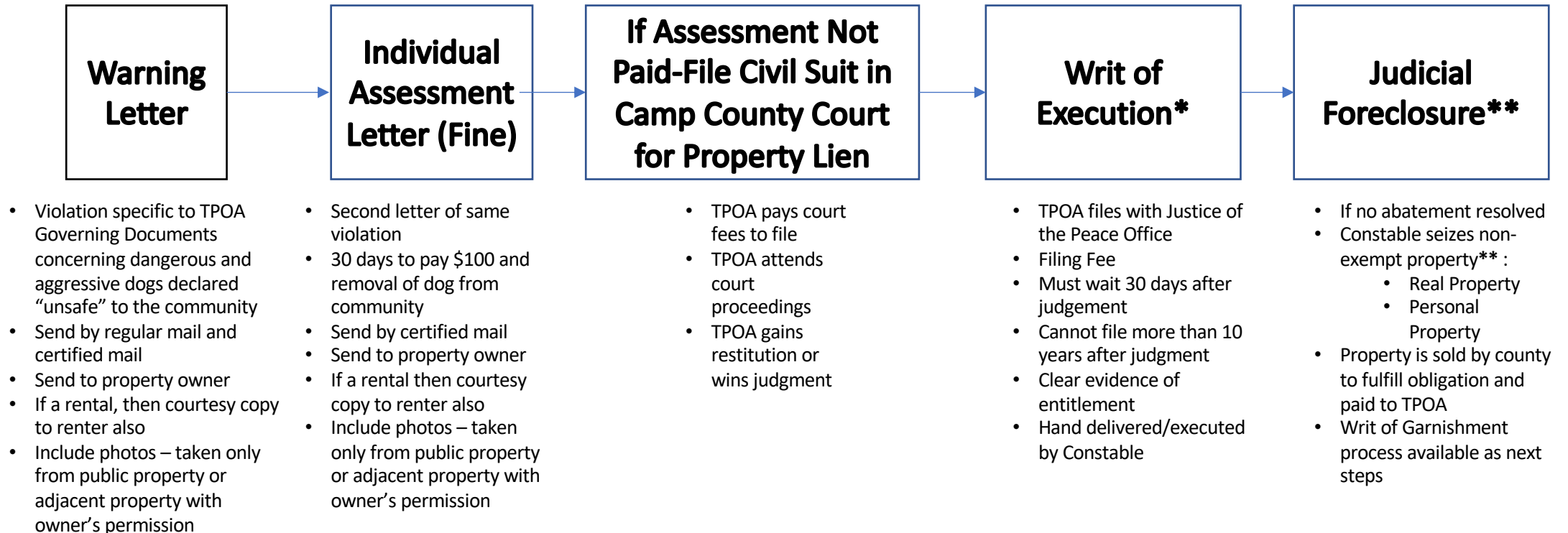
TEXAS STATUTE ON DANGEROUS DOGS

- Texas Statute on Dangerous Dogs (Title 10 of Texas Health and Safety Code Section 822)
 - “Dangerous Dog” – unprovoked attack outside its enclosure causing bodily injury OR is aggressive to such an extent that its actions cause a person to reasonably believe that the dog will attack and cause bodily injury.
 - “Aggressive Dog” – attacks another person on the property of the dog’s owner, has displayed aggressive tendencies putting people in fear that it will escape OR has interfered with people walking in a public area.
 - If owner has a “Dangerous Dog” they are required to register the dog with animal control, properly restrain the dog, obtain \$100k of liability insurance, and comply with all county and city regulations.

TPOA GOVERNING DOCUMENTS RESTRICTIONS

- CCR 7.2H Animals and Livestock
 - Limit of 4 household pets
 - Must be confined or restrained within each lot
 - Must be properly tagged for identification
 - TPOA has the right to declare any animal “unsafe” after presented to Board
 - If declared “unsafe”, the animal must be removed from the development
 - ***All household pets should be on a leash or under direct supervision and not allowed to roam the development or enter onto others property. All household pets should have a collar with current rabies vaccination tag, name, and owners contact information.***
- TPOA By-Laws - Fees and Fines Schedule
 - Roaming dogs without collars and proper identification tags
 - 1st offense is a warning
 - 2nd offense is fine of \$100 and up
 - Repeat violations – revocation of TPOA access card and potential removal of the animal at owner's expense.
- TPOA CCR’s Article V Section 5.4 - Individual Assessments
 - Levied against an individual, particular lot(s), or property for damage to the Common Areas **OR** Special Circumstances.

PROGRESSIVE REMEDIATION PROCESS



*Texas Civil Deskbook Chapter 10 Section F


**Chapter 41 and 42 of the Texas Property Code governs most property exemptions. This includes rural property of 200 acres per family, 100 acres for a single adult or 10 acres of urban land. Personal Property is exempt up to aggregate levels of \$100k for a family and \$50k for a single adult. Personal Property includes furnishings, food, farming equipment, tools, boats, clothing, jewelry, vehicles, firearms, sporting equipment, livestock, fowl, and household pets.

SUMMARY

- Thunderbird Point has a dog problem
- The State of Texas has clear statutes on what defines a “dangerous” or “aggressive” dog
- Camp County has no leash law but will enforce Texas statutes
- Property owners in Thunderbird Point are obligated to abide by all governing documents
- TPOA is entitled to take action against owners of “dangerous” or “aggressive” dogs

BACKUP

THUNDERBIRD POINT OWNERS ASSOCIATION



30 DAY LEGAL ACTION NOTICE

COVENANTS, CONDITIONS, AND RESTRICTIONS VIOLATION

DATE _____

Name _____

Address _____

Thunderbird Point Section 1 Lot _____

Dear _____

All real estate lots located in the Thunderbird Point Subdivision are obligated to comply with the requirements of the Covenants, Conditions, and Restrictions. When you became an owner, compliance with these rules was part of your deeded responsibilities. A copy of the restrictions can be found on the Association website thunderbirdpoint.com and at the Courthouse. These restrictions were put in place to make sure that our community would be a healthy, safe, and pleasant community that all owners would be able to invest in and enjoy. The Architectural Control Committee [ACC] volunteers work hard to make sure that these goals for our community are met.

*****VIOLATION DESCRIPTION*****

Article VII Section 7.2 Paragraph H
Animals and Livestock – The Association has the right to declare any animal, including dogs, cats, or other household pets, unsafe after notice and hearing before the Board of Directors. In the event of an "unsafe" finding by the Board, the Owner shall be required to remove the animal and/or pet from the Property.

Article VII Section 7.2 Paragraph I
Texas Statutes on Dangerous Dogs – Under Title 10 of the Texas Health and Safety Code Section 822, a "Dangerous Dog" is one that makes an unprovoked attack on a person outside of its enclosure that causes bodily injury or is aggressive to such an extent that its actions cause a person to reasonably believe that the dog will attack and cause bodily injury. An "Aggressive Dog" is one that attacks another person on the property of the dog's owner, has displayed aggressive tendencies putting people in fear that it will escape or has interfered with people walking in a public area. This law allows for the seizure of a dangerous dog that causes death or serious bodily injury. If a dog owner knows that it is a dangerous animal and makes an unprovoked attack outside of its secure area, that person can be charged and convicted of a crime. It is a felony of the third degree if there is a bodily injury to a victim from the dog attack. When an individual knows that he/she have a dangerous dog, they are required to: (1) Register the dog with the local animal control office; (2) properly restrain or enclose the dog; (3) Obtain liability insurance or show financial responsibility of at least \$100,000 to cover any personal injury damages caused by a dog attack; and (4) Comply with all county or city regulations regarding dogs.

471 County Road 2603, Pittsburg, TX 75686
Board of Directors


President – John Thornton Vice President - Scott Monaghan

Secretary – Debbie Thornton Treasurer – Denise Powell

Daniel Bourns Kelly Corry Sue Wells

Adam Hoarnsberger Damon Jewell

THUNDERBIRD POINT OWNERS ASSOCIATION



30 DAY LEGAL ACTION NOTICE

COVENANTS, CONDITIONS, AND RESTRICTIONS VIOLATION

Your dog has been declared "unsafe" by the TPOA Board and action must be taken immediately. Keep your dog restrained to your property to prevent progressive remediation up to and including a \$100 fine and/or forced removal of the animal from our community at your expense.

Any questions concerning this letter or if assistance is needed, contact me using the information below

Email: jeanstenfors159@gmail.com
Phone: 903-285-0104

Thank you in advance for your cooperation.

Sincerely,

Jean Stenfors
Architectural Control Committee

471 County Road 2603, Pittsburg, TX 75686
Board of Directors

President – John Thornton Vice President - Scott Monaghan

CAUSE NO. _____

IN THE MATTER OF

(Alleged Owner of Dog)

§
§
§
§
§
§
§

IN THE JUSTICE COURT

PRECINCT ____

_____ COUNTY, TEXAS

COMPLAINT ALLEGING DOG HAS CAUSED DEATH OR SERIOUS BODILY INJURY

Description of Dog (including color, gender, breed, name): _____

Address Where Dog is Kept: _____

Owner of Dog and Address: _____

Complainant has good reason to believe and does believe that the above described dog has caused
☐ the death of ☐ serious bodily injury to *(defined as an injury characterized by severe bite wounds or severe ripping and tearing of muscles that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment)* a person by ☐ attacking ☐ biting ☐ mauling the person within _____ County, TX.

This belief is based on the following facts: _____

Complainant requests that a warrant be issued to seize the dog pursuant to Health and Safety Code § 822.002 and that a hearing be set within 10 days from issuance of the warrant.

COMPLAINANT (any person, including a county attorney, city attorney, or peace officer):

Complainant’s Name

Complainant’s Signature Date

Address & Phone Number

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY