

ORDINANCE NO. 1007

60189

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER FOUR OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING FOR THE LICENSING OF ALL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF SAID CITY; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS; QUARANTINING OF EXPOSED ANIMALS; REGULATING OF VICIOUS DOGS; REQUIRING A VACCINATION IN ALL INSTANCES; SETTING A POUND FEE; PROHIBITING CRUELTY TO ANIMALS; PROVIDING CERTAIN DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION I.

That Chapter Four of the Code of the City of Mesquite is amended as follows, in all other respects to remain in full force and effect:

(1) License, Vaccination, and Registration Requirements:

It shall be unlawful to own, harbor, keep or maintain a dog over the age of three months in the City of Mesquite, unless such dog is licensed and vaccinated for rabies. Dogs must be vaccinated at the age of three months, revaccinated at twelve months, and annually thereafter. Dog licenses shall be issued by the City of Mesquite upon payment of a license fee of \$1.00 for each dog. Before a dog license will be issued, the owner of the dog must present a certificate from a legally licensed Veterinarian showing the name and address of owner, description of the dog, the date of vaccination, the number of the rabies vaccination tag and the veterinarian shall have furnished the owner of such animal a metal tag, on one side of which is stamped the words "Rabies Vaccine Administered" or similar phrase, and the date of vaccination. Said tag at all times shall be securely attached to a collar around the neck of the animal vaccinated. The owner shall state at the time application is made for such license and upon forms furnished for such purpose, his name and address, and the name, breed, color, and sex of said dog. Said license shall be good for one calendar year from the date of the license issued by the City of Mesquite.

(2) Tag and Collar:

Upon the payment of the license fee the City of Mesquite shall issue to the owner a license and a metallic tag for each dog so

licensed. The tag shall have stamped thereon the year for which it was issued. Every dog owner shall be required to provide each dog with a collar for the tag to be constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the City of Mesquite upon presentation of the receipt showing the payment of the license fee for the calendar year and the payment of a \$.50 fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refund shall be made on any dog license fee because of the death of the dog or the owner leaving the City before the expiration of the license period.

SECTION II.

Any person who shall wilfully take from any dog a collar or tag shall be deemed guilty of a misdemeanor.

SECTION III. DOGS RUNNING AT LARGE PROHIBITED:

It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the City Limits of the City of Mesquite, unless such dog be at all times under control of said owner, a member of said owner's immediate family or said owner's servant or agent, by means of a leash or chain of sufficient strength and length to control the actions of said dog. At all other times said dog shall be confined to the premises of said owner by a substantial fence of sufficient strength and height to prevent said dog from escaping therefrom, inside of a building or secured on said premises by a leash consisting of a metal chain of sufficient strength to prevent said dog from escaping from said premises when the leash is stretched to full length.

SECTION IV. CONFINEMENT OF CERTAIN DOGS:

No dog of fierce, dangerous, or vicious propensities, whether licensed or not, shall be allowed in the City of Mesquite, provided, however, that dogs used by law enforcement authorities or approved by the Police Department as watch dogs for business establishments and securely confined thereto shall not be deemed within this provision.

SECTION V.

No female dog in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or any public place within the City of Mesquite.

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SECTION VI. IMPOUNDMENT AND REDEMPTION:

It shall be the duty of the Public Health Officer, the Chief of Police, or any police or health officer to cause to be taken up or impounded all animals of the dog kind in violation of the terms of this ordinance. Any person owning any dog impounded under the terms of this ordinance shall be allowed to take such dog from the place where impounded upon the following conditions:

- (1) Upon the payment of an impound fee of the sum of \$1.00 for each day or fractional part of a day the said dog has been impounded, said fee to be paid to the City of Mesquite.
- (2) If the owner thereof does not have a certificate showing that said dog has been vaccinated within the calendar year, the aforesaid dog can be redeemed by the owner only after the said dog has been vaccinated by a licensed veterinarian and certification thereof furnished.
- (3) That the owner thereof must secure a license tag for such dog as provided herein.

If owner has not redeemed such impounded dog within three days from its capture and impoundment the dog may be given to a new owner or destroyed humanely.

SECTION VII. BARKING OF DOGS:

Any person who shall harbor or keep on his premises or in or about his premises, or premises under his control, any dog or animal of the dog kind, which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed, shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding Two Hundred Dollars (\$200.00), and each and every twenty-four hours that said dog shall remain or be kept on any such premises shall constitute a separate offense.

SECTION VIII. RABIES NOTICE:

If any dog or other animal has bitten any person, the owner of said dog or animal shall notify the Chief of Police or the Health Officer immediately, and such dog or animal shall be confined in the dog pound for a period of at least ten days, and the owner shall pay a

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fee of \$1.00 per day for the care of said dog or animal, or said dog or animal shall be confined at a veterinary hospital for the same period of time at the expense of the owner, or said dog or animal shall be securely confined by tying with a chain of good quality for a period of ten days in such a place that no person or animal may be bitten by it, and there held subject to inspection from time to time so as to be able to determine whether said animal is affected by rabies. No dog or animal held for observation shall be released from impoundment without the authorization of the Chief of Police or the Health Officer. Any dog or animal suffering a bite from a rabid animal shall be quarantined in a veterinary establishment at the owners expense for a period of at least ninety days before being released, or said dog or animal shall be securely confined by the owner by tying with a chain of good quality for a period of at least ninety days in such a place that no person or animal may be bitten by it, and there held subject to inspection from time to time so as to be able to determine whether said animal is affected by rabies. No dog or animal held for observation shall be released without the authorization of the Chief of Police or the Health Officer.

SECTION IX. ADDITIONAL AUTHORITY:

In addition to any authority derived elsewhere, appropriate City personnel including police and health authorities are expressly empowered and authorized to go upon public and private premises without warrant for the purpose of enforcement of this ordinance and the State Statutes and Texas Penal Code relating to animals when necessary to protect the health, welfare and safety of the inhabitants of the City and preserve the peace and quite thereof.

When a dog is left unattended for more than seventy-two (72) hours and in the opinion of the health officer or his designate is suffering from lack of food or water; or such non-attendance causes a dog to bark or howl so as to disturb the inhabitants in the area, such dog may be picked up and impounded until called for by the owner. Provided, however, that a dog impounded under these circumstances shall not be disposed of within three days as provided in Section VI, but shall be held for the owner fourteen (14) days. Notice of impoundment shall be attached to the premises upon removal and written notice by United States mail shall be given as soon as practical.

If no person shall claim such dog within fourteen (14) days, then such animal shall be deemed abandoned and may be disposed of as provided in Section VI herein.

SECTION X. DEFINITIONS AND PRESUMPTIONS:(1) Owner

The term owner shall include and is defined to mean a person who owns, harbors, keeps, maintains or exercises control over a dog. Proof that a person is in control of a premises where a dog is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the owner of such dog, which presumption may be rebutted as in other cases.

(2) Over the Age of Three Months

Any dog found at large in the City and not with its dam shall be prima facie presumed to be over the age of three months, which presumption may be rebutted as in other cases.

(3) Fierce, Dangerous or Vicious Propensities

Evidence that a dog has attacked a person necessitating medical attention or that a dog is large and strong and has attempted to harm a human being shall be persuasive evidence that such dog is a dog of fierce, dangerous or vicious propensities.

(4) At Large

A dog shall be deemed at large when such dog is not confined as required by this ordinance without regard to whether he is on public or private property; the purpose of this ordinance being the prevention of dogs being allowed freedom to leave the owners confinement. The fact that a dog is on its owner's premises may be considered in mitigation of penalty, but shall not be a defense.

SECTION XI. CRUELTY TO ANIMALS

Whoever overdrives, wilfully overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, or needlessly mutilates or kills any animal, or carries any animal in or upon any vehicle, or otherwise, in a cruel or inhumane manner, or causes or procures the same to be done, or who having the charge or custody of any animal unnecessarily fails to provide it with proper food, drink, or cruelly abandons it, shall be fined not exceeding Two Hundred Dollars. As used in this article the word "animal" includes every living dumb creature, and the words "torture" and cruelly" includes

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every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief.

SECTION XII. MISDEMEANOR FOR VIOLATIONS OF PROVISIONS:

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Two Hundred Dollars (\$200.00). Each and every violation of the provisions of this ordinance shall constitute a separate offense. Each and every day shall constitute a separate violation.

SECTION XIII. CONFLICTS:

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be and the same are hereby repealed to the extent of such conflict or inconsistency.

SECTION XIV. SEVERABILITY:

That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION XV. EMERGENCY:

The fact that there are now insufficient or inadequate regulations governing vicious and rabid dogs in the City of Mesquite and the regulations herein are needed for the protection of the health of the citizens of Mesquite creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such cases provides.

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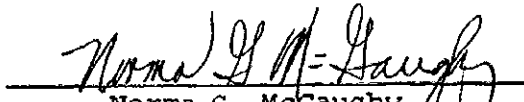
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DULY PASSED by the City Council of the City of Mesquite,
Texas, on the 7 day of February, A.D., 1972.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

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