

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER FOUR, SECTION 4-30 OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING FOR THE EARLY DISPOSITION OF INJURED ANIMALS UNDER CERTAIN CONDITIONS; ESTABLISHING PROCEDURES THEREFOR; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4-30 of Chapter IV of the Code of the City of Mesquite is amended to read as follows, in all other respects to remain in full force and effect:

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 article. Any person owning any dog impounded under the terms of this article 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 one dollar (\$1.00) for each day or fractional part of a day 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 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 the owner has not redeemed such impounded dog within three (3) days from its capture and impoundment the dog may be given to a new owner or destroyed humanely.

Provided, however, that in special instances wherein a dog has been injured to the extent that a three (3) day waiting period would constitute cruel treatment such waiting period would not be applicable.

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For the purposes of this article such injury shall be deemed to constitute a special instance making the three day waiting period inapplicable when it reasonably appears that the injury is terminal or will result in substantial physical impairment and causes extreme pain. Examples of conditions indicating such state are substantial blood loss, severed spine, severance of a substantial portion of a member or other portion of the body and other conditions commonly known to result in death.


Decisions on such conditions shall be made by the person or persons designated by the Chief Health Inspector or his designee and, when made in good faith, shall be presumed correct and shall not be subject to review, due to the emergency nature of such determination. It is further expressly provided that any person allowing an animal to run at large does hereby consent to the procedures established herein and does thereby authorize the City of Mesquite to act accordingly.

Notwithstanding the fact that the foregoing relates to dogs, the same shall be applicable to all animals impounded suffering similar injuries to the end that unnecessary suffering be eliminated and that the public be spared sight of animals suffering from injury upon the public streets, parkways, and alleys and other places within the City.

SECTION 2. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

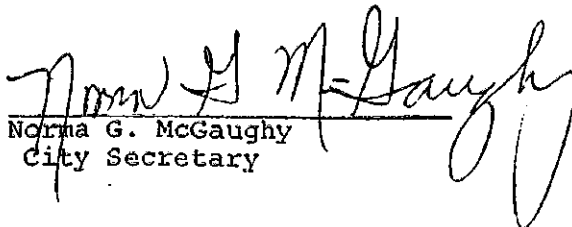
SECTION 3. The fact that no provisions exists for eliminating the suffering of injured animals impounded by the City creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of December, A.D., 1976.



Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney