

ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE TO PROVIDE FOR THE VACCINATION, REGISTRATION AND OTHER REGULATION OF CATS WITHIN THE CITY; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; 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 Chapter 4 of the Code of the City of Mesquite, Texas, be and is hereby amended by adding an Article III thereto to read as follows:

"
ARTICLE III - CATS

Sec. 4-32. Definitions and Presumptions

For the purposes of this article, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise.

(1) "Owner" shall include a person who owns, keeps, harbors, maintains, or exercises control over a cat. Proof that a person is in control of premises where a cat is usually kept, harbored, or maintained shall establish a prima facie presumption that such person is the owner of such cat, which presumption may be rebutted as in other cases.

(2) "At large". A cat shall be deemed to be at large when such animal is not confined as required by this article without regard to whether it is on public or private property; the purpose of this article being the prevention of cats being allowed freedom to leave the owner's confinement. The fact that a cat is on its owner's premises may be considered in mitigation of penalty, but shall not be a defense to prosecution.

(3) "Cat". Any animal of whatever size or description that is generally categorized as belonging to the feline family.

(4) "Adult Cat". Any cat as defined herein, of the age of six (6) months or more.

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Sec. 4-33. Number of Cats Restricted.

It shall be unlawful for any person to keep within the city limits more than three (3) adult cats. Provided however, the provisions of this Section shall not be applicable to any properly zoned veterinary hospital/clinic, kennel, or place of scientific research.

Sec. 4-34. Licensing.

It shall be unlawful to own, harbor, keep, or maintain a cat over the age of 3 months in the City of Mesquite unless such cat is licensed and vaccinated for rabies. Cats must be vaccinated at or before the age of 3 months, revaccinated at twelve (12) months, and each twelve (12) months thereafter. Cat licenses shall be issued by the City of Mesquite upon payment of a license fee of fifty (\$.50) cents for each cat. Before such license will be issued, the owner of the animal must present a certificate from a duly licensed veterinarian showing the name and address of the owner, description of the cat, the date of vaccination, the number of the rabies vaccination tag, and a metal tag the veterinarian shall have furnished the owner of such animal, on one side of which is stamped the words "Rabies Vaccine Administered" or similar phrase, and the date of vaccination. Said tag shall, at all times, 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, upon forms furnished for such purpose, his or her name and address, and the breed, color, and sex of the animal to be registered. Said license shall be valid for one calendar year.

Upon the payment of said license fee, the City of Mesquite shall issue to the owner a license and a metal tag for each cat so licensed. Every owner shall be required to provide each cat with a collar on which said license tag shall be constantly worn. In the event a license tag is lost or destroyed, a duplicate will be issued by the City of Mesquite upon presentation of a receipt showing payment for the current calendar year and the payment of a fifty (\$.50) cent fee for each duplicate. Tags shall be nontransferable and no refund shall be made on any license fee because of the death of the animal or the owner leaving the City before the expiration of the license period.

Sect. 4-35. Cats Running at Large Prohibited.

It shall be unlawful for the owner of any cat to permit such animal to run at large within the city limits unless such animal is at all times under the control of the owner by means of a leash or chain of sufficient strength and length to control the actions of the animal. At all other times the cat shall be confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the cat from escaping therefrom, inside of a building, or secured on the premises by

a leash of sufficient strength to prevent the animal from escaping from the premises. Providing however, that it shall be a defense to prosecution under this Section if the cat is wearing a valid registration tag and a valid rabies vaccination tag.

Sec. 4-36. 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 cats in violation of the terms of this article. Any person owning any cat impounded hereunder, shall be allowed to take such animal from the place where impounded upon the following conditions:

(1) Upon payment to the City of Mesquite of a pick-up fee of \$1.50 plus \$1.00 per day or fractional part thereof for boarding fees for each day impounded.

(2) Upon a showing by the owner of a valid rabies vaccination certificate

(3) That the owner of the animal secure a license tag for such cat as provided herein.

If the owner has not redeemed such impounded cat within three (3) days of its impoundment, the animal may be given to a new owner or destroyed humanely. Provided however, that in special instances where a cat has been injured to the extent that a three (3) day waiting period would constitute cruel treatment, such waiting period may be dispensed with."

SECTION 2. That any person violating any provision of this ordinance shall, upon conviction in the Municipal Court be subject to a fine not to exceed Two Hundred (\$200.00) Dollars.

SECTION 3. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. The fact that the Ordinance of the City of Mesquite is inadequate to deal with the licensing, vaccination, registration and regulation of cats in the city creates an urgency and emergency and requires that this ordinance shall take effect immediately from and after its passage and the publication of said ordinance as the law and charter in such cases provides.

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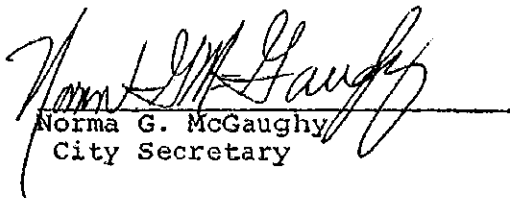
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DULY PASSED AND APPROVED by the City Council of the City
of Mesquite, Texas, on the 3rd day of December, A.D., 1979.


B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney