

ORDINANCE NO. 1861

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER IV OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING MINIMUM STANDARDS FOR DOG KENNELS AND BY PROVIDING DEFINITIONS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that it is in the public interest to provide certain minimum standards for dog kennels.

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

SECTION 1. That Chapter IV of the Code of the City of Mesquite is hereby amended by adding a new Article IV entitled Dog Kennels to read as follows; in all other respects to remain in full force and effect:

ARTICLE IV - DOG KENNELS

I. Definition - Commercial Dog Kennel: A place of business where dogs are bought or sold, groomed, bred or boarded. Also included for the purpose of this ordinance are dog training establishments and human animal control facilities. The following uses are excluded from this ordinance to the extent that establishments are operated for such purpose and all animals kept or boarded are kept and boarded incidental to such purposes as animal hospitals or clinics, pet shops, scientific research facilities and governmental animal holding pounds. Where dogs are kept and boarded for hire in addition to the aforesaid uses, this ordinance shall be applicable to such extent.

II. Construction Standards (All standards required herein are in addition to and cumulative of all other ordinance requirements such as building, fire, zoning, plumbing and electrical ordinance.)

A. All floor surfaces in case areas must be smooth, non-absorbent, easily cleanable and must be free of cracks and chips. Acceptable floor surfaces include commercial grade sheet vinyl or sealed concrete, brush finish. No carpet shall be allowed in any areas except the administrative office.

B. Wall surfaces: Walls will be smooth, non-absorbent, easily cleanable. Wall surfaces in areas free from water exposure may be epoxy painted sheetrock, ceramic tile, pre-finished baked-on enamel panels, or epoxy painted hadite block. Areas subject to water and splash such as near bathtubs and/pr sinks must have a non-absorbent panel extending to the highest level of splash.

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- C. Ceilings: Must be free of damage, holes, crevices, and tight fitting if acoustical ceiling panels are used, and should be of a light color. Epoxy painted sheetrock and/or prefinished panels may be used.
- D. Automatic sprinkler system will be installed in each divided room including the storage room and administrative office.

III. Plumbing: All kennel runs will be provided with adequate drains with hair traps, and drain into an approved sewage system. Kennel runs will have an overhead cover for the purpose of preventing rainwater from entering the sewage system. Gutters and drains must be kept clean and operable at all times. No excess wash/waste water will be allowed on adjacent property, streets, or highways.

IV. Requirements for Heat and Ventilation

- A. Heat: During cold weather a minimum temperature of 75° for infant animals and 65° for adult animals is required.
- B. Ventilation: Animal areas must have forced fan ventilation adequate to ventilate odors and prevent moisture buildup.
- C. Cooling: In summer months, if cooling is provided, it must have fresh air intake and exchange adequate to ventilate odors and prevent moisture buildup.

V. General Sanitation -- Requirements for Daily Cleaning

- A. All kennels, cages, and outside runs shall be washed with hot water and a cleaning solution each day.
- B. A disinfectant, effective for disease control, shall be used a minimum of twice a week to cover all areas the animals may come in contact with.
- C. Food and water bowls and trays must be washed and disinfected on a daily basis.
- D. Ongoing sanitation is required by the proper clean up during the day of animal waste, urine, and other excrement including hair from grooming.
- E. Hot and cold water supply must be available to all cages, runs and grooming areas.
- F. All rooms must be kept free of debris, trash and dirt.
- G. All open areas used for the exercise of animals must be kept clean and free of feces to minimize fly and rodent attraction. Adjacent grounds within the premises must be kept mowed and free of standing water, trash and debris. The entire premises excluding front building line will be enclosed with a solid fence 6 foot high.

- VI. Insect and Rodent Control -- All precautions will be taken to minimize the entrance of flies and rodents. Approved chemicals and baits will be utilized as needed or a licensed bonded exterminator will be employed or contracted with.
- VII. Toilet Facilities -- Each facility will be provided with adequate commodes, urinals, sinks, and a shower with hot and cold running water to both. A utility sink will be provided for the cleaning of tools such as squeegees, mops, waste cans and other tools pertinent to the operation of the kennel. Hand towels and soap dispensers will be provided.
- VIII. Minimal Animal Enclosure Sizes:
- A. Large breeds (over 50 lbs.) will have a minimum of 4' x 6' or 24 square feet of floor area per animal; medium breeds (26-50 lbs.) will have a minimum of 4' x 5' or 20 sq. ft. of floor area per animal; and small breeds (5-25 lbs.) will have a minimum of 3' x 4' or 12 sq. ft. of floor space per animal.
 - B. Multi-animal Dog Kennels -- No more than two large breeds, 2 medium breeds, or 3 small breed dogs in 50 sq. ft. of floor area.
- IX. Dog Kennel Equipment:
- A. Must have water receptacles and food bowls or self feeders. The feed bowls or self feeder bowls must be aluminum or stainless steel.
 - B. Moisture proof resting boards are needed if the floors are not heated.
 - C. Additional holding cages must be available for animals when rooms or cages are being cleaned.
 - D. Grooming Tables -- All grooming tables must be constructed of durable, non-absorbent, corrosion proof material. These tables may be stainless steel, polished aluminum, synthetic polymer board or formica. Formica tables must be free of scratches, pits, or cracks. Rubber or vinyl mats may be used on an approved grooming table to reduce slipping.
 - E. Bathtubs -- All tubs must be corrosion proof and must be capable of proper sanitization. There shall be a splash guard installed on all walls adjoining the tub. The splash guard must extend approximately three feet above the top rim of the tub. Elevated frames or platforms for tubs must be constructed of metal.

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- X. Food Storage Room: A separate food storage room must be provided. It must be moisture proof and insect and rodent proof. Food sacks and/or containers must be stored off the floor 4-6" on duct boards to allow for cleaning. If perishable food is provided, adequate refrigeration will be available.
- XI. Lighting: Indoor housing facilities for dogs shall have at least 30 ft. candles in each room where dogs are housed. Such lighting shall provide uniformly distributed illumination to permit routine inspection and cleaning during the entire working period. Primary enclosures (cages) shall be so placed as to protect the dogs from excessive illumination.
- XII. Waste Disposal: All garbage, trash, hair, debris and feces picked up from graveled or grassy part of the compound will be placed in metal cans or plastic garbage bags, tied securely and put in a dumpster approved by the City of Mesquite. If a dog should die in the kennel it shall not be placed in the garbage can or dumpster but returned to its owner if being boarded or if for sale it shall be transported to the sanitary landfill for burial at the owner's expense.
- XIII. Breeding: Puppies will be housed in the same primary enclosure with their dams. At least 30 sq. ft. of floor space will be provided for each litter. No doubling up will be allowed.
- XIV. Vaccinations -- Rabies vaccinations will be administered to all dogs "for sale" over the age of 4 months.
- XV. Inspection and Permit: Each dog kennel will pay the City of Mesquite \$100/year for licensing and inspection. The Health Authority or his representative will inspect each facility every three months or as needed to insure compliance with this ordinance. No kennel shall be operated until it has been inspected and approved by the City of Mesquite Health Department.

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. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health, safety and welfare of the inhabitants thereof creates an urgency and emergency and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

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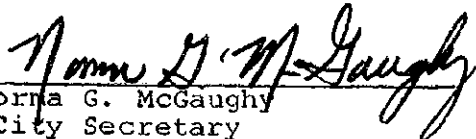
DULY PASSED AND APPROVED by the City Council of the City
of Mesquite, Texas, on the 7th day of February, A.D., 1983.



LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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