

ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY OF MESQUITE TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SECTION 4-59 PROHIBITING TRAPPING OF BIRDS AND ANIMALS WITHIN THE CITY; PROVIDING EXCEPTIONS THERETO; PROVIDING FOR A PERMIT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Code of the City of Mesquite is hereby amended by adding a new Section 4-59 to read as follows, in all other respects said code to remain in full force and effect:

Sec. 4-59. *Trapping within City Limits Prohibited.*

A. Definitions.

- (a) *Nuisance* means offensive, annoying, or unpleasant situation, event, or act involving birds or animals that may negatively affect human health or safety.
- (b) *Depredation* means loss of or damage to agricultural crops, livestock, poultry or personal property.
- (c) *Trap with holding mechanism* means steel jaw trap, a spring trap with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey.

B. It shall be unlawful and an offense for any person to trap birds and/or animal within the corporate city limits of the City of Mesquite, Dallas County, Texas with the following exceptions:

- (a) It is legal to use a trap other than a trap with holding mechanisms that is designed and used to kill common rodents, such as rats and mice, and that the trap is not placed in a manner or location that would endanger other domestic or wild animals or humans;
- (b) It is legal to use a trap, if it is used under the direction of:
 - (1) The environmental health officer;
 - (2) An animal control officer; or
 - (3) An agent of another governmental entity.

C. Procedure for application to trap.

In the event that birds and or animals present a nuisance situation, as defined herein, or in the case of depredation, as defined herein, and as determined by the environmental health or animal control office, based upon a sworn affidavit of the person so affected setting forth facts which constitute a nuisance, as defined herein, or depredation, as defined herein, the environmental health officer or animal control officer shall issue a permit to the applicant to trap for a period not to exceed two (2) weeks, and restricting the placement of traps so as not to endanger other domestic or wild animals or humans.

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D. Nothing herein shall be construed to require the environmental health officer or animal control officer to secure a permit to trap.

SECTION 2. 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 3. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not exceed Two Thousand (\$2000.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of February, 1989.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney