

ORDINANCE NO. 3231

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 4, "ANIMALS", OF THE CODE OF THE CITY OF MESQUITE, TEXAS BY AMENDING SECTION 4-1 TO ADD DEFINITIONS FOR ANIMAL SHELTER AND ANIMAL CONTROL ADVISORY COMMITTEE; AMENDING SECTION 4-3(a) TO PROVIDE FOR THE DESIGNATION OF THE LOCAL HEALTH AUTHORITY AND ANIMAL CONTROL AUTHORITY; ADDING SECTION 4-3.1 TO PROVIDE FOR THE DESIGNATION OF AN ANIMAL CONTROL ADVISORY COMMITTEE; AMENDING SECTION 4-156 TO ADD "DANGEROUS DOGS" TO THE DEFINITION OF "VICIOUS ANIMALS"; AMENDING SECTION 4-157(c)(3) TO PROVIDE FOR AN APPEAL OF A VICIOUS ANIMAL FINDING TO THE MUNICIPAL COURT JUDGE; REPEALING SECTION 4-157(c)(4) through (6); PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS; the City Council of the City of Mesquite, Texas has determined that it is in the best interest of the City and its' citizens to amend Chapter 4 of the Code of the City of Mesquite relating to animals;

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 is hereby amended as follows, in all other respects said Code to remain in full force and effect:

A. Section 4-1 in Article 1 of Chapter 4 is hereby amended to add to the list of definitions the following, in all other respects said section to remain in full force and effect:

*Animal shelter* means the city facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

*Animal control advisory committee* means the committee established by ordinance and appointed by the city council to assist in performing the duties assigned in this chapter with regard to the city animal shelter as required by law and other duties assigned by the city council.

B. Section 4-3(a) in Article 1 of Chapter 4 is hereby amended to read as follows, in all other respects said Section to remain in full force and effect:

**4-3. Supervisor of animal control designated as local health authority and animal control authority; officers; enforcement.**

- (a) The supervisor of animal control is hereby designated as follows:
- (1) as the local health authority officer for the purposes of enforcement of this chapter and V.T.C.A. Health and Safety Code, Chapter 826, as amended;
  - (2) as the animal control authority for the purposes of enforcement of Article VI hereof and V.T.C.A. Health and Safety Code, Chapter 822, Subchapter D, as amended;

His duties shall include, but not be limited to, the enforcement of this chapter, supervision of the animal control officers of the city, aiding the state board of health in administering the rabies control program and enforcing area rabies quarantines pursuant to V.T.C.A. Health and Safety Code, Chapter 826, as amended, and administering the dangerous dog provisions found in V.T.C.A. Health and Safety Code, Chapter 822, Subchapter D, as amended.

C. Section 4-3.1 is hereby added to Article 1 of Chapter 4 to read as follows:

**Sec. 4-3.1 Animal control advisory committee designated.**

(a) An animal control advisory committee is hereby created which shall act as an advisory body to the city and shall:

- (1) review operations of the city animal shelter;
- (2) provide guidance to the animal control division in complying with all provisions of V.T.C.A. Health and Safety Code, Chapter 823, as amended; and
- (3) perform such other duties as may be assigned by the city council.

(b) It shall be composed of at least five (5) members. One (1) of the members shall be the supervisor of animal control or his designee who shall be a person whose duties include the daily operation of an animal shelter. The remaining members of the committee shall be appointed by the city council and shall include at least one (1) of each of the following:

- (1) a licensed veterinarian,
- (2) a county or municipal official,
- (3) a representative from an animal welfare organization, and
- (4) a disinterested layman

(c) The appointive members shall hold office from the date of appointment until their reappointment or until their successors have been appointed. They shall serve without compensation for a term of two (2) years and may be removed by the city council at any time. Vacancies shall be filled by appointment for the unexpired term.

(d) The advisory committee shall meet at least three times a year, or as required by law.

D. Section 4-156 in Article VI of Chapter 4 is hereby amended to read as follows:

**Sec. 4-156. Definition.**

As used in this article, the term "vicious animal" means any animal, except a dog assisting a peace officer engaged in law enforcement duties, which without provocation attacks or bites any human being or any domestic animal or which has a known propensity to attack or bite human beings or animals, including a dangerous dog as defined in V.T.C.A. Health and Safety Code, Chapter 822, Subchapter D, but not including an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured, or exhibited cruelty to such animal.

E. Section 4-157(c)(3) in Article VI of Chapter 4 is hereby amended to read as follows:

- (3) The hearing provided for in this section shall be conducted before the municipal court as provided for in V.T.C.A. Health and Safety Code, Section 822.042, as amended.


F. Section 4-157(c)(4) through (6) is hereby repealed, in all other respects said Section and Article to remain in full force and effect.

SECTION 2. That all provisions of the ordinances of the City of Mesquite, codified or uncodified, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Mesquite, codified or uncodified, not in conflict with the provisions of this ordinance, shall remain in full force and effect.

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. That the present ordinances of the City of Mesquite are inadequate to regulate the adoption of animals which 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 of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 15th day of June, 1998.

  
Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
Ellen Williams  
City Secretary

  
B.J. Smith  
City Attorney