

ORDINANCE NO. 3439

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE TO CORRECT THE TITLE OF SECTION 4-9 AND BY DELETING SECTION 4-9(B) IN ITS ENTIRETY AND ADDING A NEW SECTION 4-9(B) THEREBY PERMITTING THE POSSESSION OF ANIMALS PREVIOUSLY PROHIBITED DUE TO THE DEVELOPMENT OF AN APPROVED RABIES VACCINE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in 1986 the City adopted provisions prohibiting the sale or possession of ferrets as they were considered high-risk carriers for the rabies virus and constituted a danger to public health; and

WHEREAS, the rabies vaccine *Vaccin Antirabique* was recently approved to protect ferrets from disease caused by the rabies virus; and

WHEREAS, the Texas Department of Health no longer considers ferrets as high-risk carriers for the disease; and

WHEREAS, the availability of a vaccine has resulted in several requests by local pet shops to allow the sale or possession of ferrets within the City.

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 is hereby amended by correcting the title to Section 4-9 and by deleting Section 4-9(b) in its entirety and adding a new Section 4-9(b) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Chapter 4

ANIMALS

ARTICLE 1. IN GENERAL

- (1) Correct the title to Section 4-9 to read as follows:

Sec. 4-9. Sale or possession of certain animals.

- (2) Delete Section 4-9(b) in its entirety and add a new Section 4-9(b) to read as follows:

- (b) Excluded animals may be allowed if they are destined for a research institute, to be publicly displayed as in zoos, or upon the development of an approved vaccine recognized to specifically protect the excluded animal from disease caused by the rabies virus. Animals removed from exclusion as a result of the development of an approved vaccine will be subject to all regulations contained herein as applied to domestic pets.

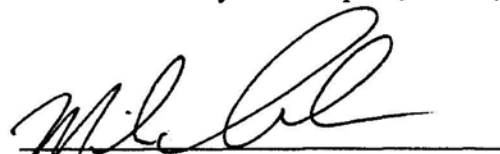
SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense.

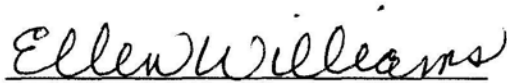
SECTION 5. That the present ordinances of the City of Mesquite did not address the development of any approved vaccine recognized to specifically protect excluded animals from disease caused by the rabies virus, creates an urgency and an emergency for the preservation of the public health, safety and 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 20th day of August, 2001.



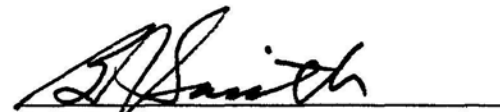
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney